Reg. No. 1—M.

THE FORT ST. GEORGE GAZETTE.

No. 27.] MADRAS, TUESDAY EVENING, NOVEMBER 2, 1920. [PRICE, 6 as. 3 p.

Part IV.—Proceedings of the Madras Legislature.

CONTENTS.

	PAGE
Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations on Tuesday, the 13th day of July 1920	1309
Proceedings of an Adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations on Wednesday, the 14th day of July 1920	1371

Proceedings of a Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 5 & 6 Geo. V, Ch. 61.

The Council assembled at the Senate House, Chepauk, at 11 a.m. on Tuesday, the 13th day of July 1920.

PRESENT:

His Excellency the Right Hon'ble Lord WILLINGDON of RATTON, G.C.S.I., G.C.I.E., G.B.E., Governor of Madras—*Presiding*.
The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E.
The Hon'ble Mr. L. DAVIDSON, C.S.I.
The Hon'ble Mr. C. G. TODHUNTER, C.S.I.
The Hon'ble Mr. A. Y. G. CAMPBELL, C.I.E.
The Hon'ble Mr. S. COX.
The Hon'ble Major-General G. G. GIFFARD, C.S.I., I.M.S.
The Hon'ble Mr. R. A. GRAHAM.
The Hon'ble Mr. W. J. J. HOWLEY, C.S.I.
The Hon'ble Mr. R. LITTLEHAILES.
The Hon'ble Mr. E. S. LLOYD.
The Hon'ble Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, I.S.O.
The Hon'ble Mr. K. SRINIVASA AYYANGAR (*Advocate-General*).
The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI Garu, *Kt.*
The Hon'ble the Rev. E. M. MACPHAIL, C.B.E.
The Hon'ble Mr. C. V. S NARASIMHA RAJU.
The Hon'ble Mr. K. VENKATAPPAYYA PANTULU.
The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU Garu.
The Hon'ble Mr. P. SIVA RAO.
The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR.
The Hon'ble Mr. B. V. NARASIMHA AYYAR.
The Hon'ble Mr. V. MADHAVA RAJA, Elaya Nambidi of Kollengode.

(*Mr. Narasimha Ayyar.*) [13TH JULY 1920.

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.
The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI Avargal.
The Hon'ble Sri RAJA RAVU VENKATA KUMARA MAHIPATI SURYA Rao Bahadur, Raja of Pithāpuram.
The Hon'ble B. RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI Avargal, Raja of Ramnad.
The Hon'ble Mr. B. VENKATAPATI RAJU.
The Hon'ble Mr. T. R. RAMACHANDRA AYYAR.
The Hon'ble Khan Bahadur HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur.
The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR SAHIB Bahadur.
The Hon'ble Mr. J. H. THONGER.
The Hon'ble Mr. T. ARUMAINATHA PILLAI.
The Hon'ble Mr. M. C. RAJA.
The Hon'ble Mr. M. D. DEVADOSS.
The Hon'ble Mr. H. H. G. MITCHELL, O.B.E.
The Hon'ble Khan Bahadur N. MUHAMMAD USMAN SAHIB Bahadur.
The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR Avargal.
The Hon'ble Rao Bahadur T. NAMBERUMAL CHETTI Garu.
The Hon'ble Raja Sri KRISHNA CHANDRA GAJAPATI NARAYANA DEO Garu, Zamindar of Parlākimedi.
The Hon'ble Mr. T. RICHMOND.
The Hon'ble Rao Bahadur N. SUBBA Rao Avargal.

QUESTIONS AND ANSWERS.

[*Order made by His Excellency the President under rule* 11 *of the Statutory Rules for the asking of questions in the Council—*

(1) Printed copies of all the questions and answers to be put and given at the meeting shall be placed on the Council table half an hour before the President takes his seat. The questions shall be numbered consecutively as printed.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in turn, specify the serial numbers of his questions and make a sufficient pause to allow the Honourable Member a reasonable opportunity of rising in his place, if he is desirous of asking any supplementary questions. Supplementary questions must be put immediately after the principal questions to which they relate.]

The Hon'ble Mr. B. V. Narasimha Ayyar.

Removal of Chintadripet arrack shop.

1 *Q.*—(*a*) Has the attention of the Government been drawn to the leader entitled 'Farce of Local Option' in the *Hindu* of 1st June last and the letter of Chintadripet citizens in the same issue, and the leaders headed 'Local option' in the *Justice* of 4th June and 'Location of taverns' in the *Madras Times* of the same date?

(*b*) Have any steps been taken by the Revenue Board or Government to give effect to the wishes of the Chintadripet public repeatedly expressed that the arrack shop in Valluvan street should be removed?

(*c*) Did the Licensing Board, after a local inspection and inquiry, strongly and repeatedly support the demand for its removal in 1920–21; and did a majority of that Board protest against the decision of the Revenue Board?

(*d*) Did the Revenue Board, before overruling the Licensing Board's decision, make any inspection or inquiry or possess further information not available to the Licensing Board?

(*e*) What were the Revenue Board's reasons for overruling the Licensing Board's decision?

(*f*) Did the Revenue Board construe 'general control' in rule 12 of the Licensing Board Rules [vide G.O. No. 261, Financial (Separate Revenue), dated 4th July 1918] to mean a right of appeal on the merits in each case, vesting the final exercise of discretion with the Revenue Board in the matter of local option?

(*g*) Do Government intend to alter the wording of the said rule so as to avoid conflicts between the Licensing Board and the Revenue Board?

1 *A.*—The matter referred to in the question of the Honourable Member is being inquired into by the Government and when the facts are fully known a statement will be made.

Reserve forest near Harur.

2 *Q.*—Will the Government be pleased to state

(*a*) whether their attention has been drawn to the report in *New India* of 25th June 1920 that a boy was carried off and killed by a tiger from Harur;

(*b*) whether a reserve forest is only about a mile off from Harur; and

(*c*) whether requests have been made to the Forest Department to disafforest the reserve areas near Harur?

2 *A.*—(*a*) The issue of *New India* of the 25th June 1920 does not contain an account of the incident referred to.

(*b*) & (*c*) The Government will make the necessary inquiries, but would suggest to the Honourable Member that he would be able to get the information required more expeditiously by referring to the officers concerned in the district.

3 *Q.*—Will the Government be pleased to state Destruction of crops by elephants.

(*a*) whether they have received complaints from ryots of Pudupatti and Rājāpālaiyam, Srīvilliputtūr taluk, and of Mēttupālaiyam in Coimbatore district that herds of elephants issue from reserved forests and destroy their fruit-bearing trees and crops?

(*b*) how many licences for shooting elephants have been granted under section 7 of Madras Act I of 1873 in the districts of Coimbatore and Madura and in what taluks?

3 *A.*—(*a*) A telegram was received from one individual in Mēttupālaiyam.

(*b*) The Government have no information.

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Is it the intention of Government to issue instructions for increasing the number of licences for shooting elephants which destroy crops?"

The Hon'ble Mr. S. Cox :—"I do not think the Government is going to issue instructions on the point. Any man who can shoot will apply for licences on his own account."

4 *Q.*—Will the Government be pleased to state Kallars and the Criminal Tribes Act.

(*a*) whether their attention has been drawn to the resolution of the Tinnevelly Provincial Conference on Kallars and the Criminal Tribes Act found at page 6 of the *Hindu* of 28th June 1920;

(*b*) whether any proceeding is pending against any of the men or officers responsible for the shooting down of the Kallars at Perungavanallūr;

(*c*) whether any inquiry has been ordered or will be ordered in the matter;

(*d*) whether there are any reasons for holding Piramalai Tevars to be a criminal tribe and what; and

(*e*) whether the percentage of criminals in that community has been ascertained and is above that of all non-criminal tribes or classes?

4 *A.*—(*a*) Yes.

(*b*) No judicial proceedings are pending against any of the officers present at the Perungavanallūr riot, so far as the Government are aware, but a magisterial inquiry is in progress in consequence of the charge sheets laid against persons believed to have taken part in the rioting.

(*c*) The Government have considered official reports on the case and decided that no further inquiry is called for.

(*d*) & (*e*) Action under the Criminal Tribes Act, 1911, was initiated in June 1918 against the Piramalai Kallars of the Tirumangalam taluk as a result of considered proposals to that effect from the District Magistrate of Madura, from whose report an extract * is furnished.

5 *Q.*—Will the Government be pleased to state Low percentage of success at the Secondary School-leaving Certificate examination.

(*a*) whether their attention has been drawn to the proceedings of a meeting held at Salem of the Secondary School-leaving Certificate students, reported in *Justice* of the 24th June 1920;

(*b*) whether the percentage of passes in English History in the Salem College is only 18 per cent as against a presidency average of 34 per cent; and

(*c*) whether over twenty petitions have been sent to the Secondary School-leaving Certificate Board from Salem that undue rigour has been shown in the correction of Salem papers in English History?

5 *A.*—(*a*) The Government have now perused the report referred to.

(*b*) There is no 'passing' or 'failing' in the Secondary School-leaving Certificate examination.

(*c*) The Government have no information but understand that the Director of Public Instruction is inquiring into the allegation of undue rigour.

6 *Q.*—Will the Government be pleased to state Opening of a District Munsif's Court at Cheyyar.

(*a*) whether complaints have been received that people in Cheyyar and Wandiwash taluks have to travel for their civil litigation great distances without railway facilities;

(*b*) whether there is a proposal to open a District Munsif's Court at Cheyyar;

(*c*) at what stage the proposal rests?

* Vide Appendix I on page 1326 infra.

(*Mr. Narasimha Ayyar; Mr. Narasimha Raju; the Zamindar of Parlākimedi.*) [13TH JULY 1920.

6 *A.*—(*a*) Yes.

(*b*) & (*c*) The Government understand that such a proposal was recently made but was negatived by the High Court, which is the authority empowered by law to fix and modify the local jurisdiction of district munsifs.

The Hon'ble Mr. C. V. S. Narasimha Raju.

Declaration of Agency tracts as backward tracts.

7 *Q.*—Will the Government be pleased to state whether it is their intention to publish for public criticism the proposals, if any, to take action under section 15, clause (2) of the Government of India Act, 1919, regarding the Agency tracts of the Ganjām, Vizagapatam and Gōdāvari districts before final orders are passed?

7 *A.*—The position which the Agencies will occupy under the Reforms scheme is under examination. It is doubtful if time will admit of public criticism being invited on the proposals.

Duties of the Special Commissioner for Agency tracts.

8 *Q.*—Will the Government be pleased to state the nature of the work which Mr. L. T. Harris, the special Commissioner for the Agency tracts, is instructed to do and whether it is the intention of the Government to publish his proposals from time to time?

8 *A.*—The following are the chief matters into which Mr. Harris is at present making inquiries:—

(1) the future administration of the Agency tracts,
(2) the re-distribution of divisions into language areas,
(3) the revision of the boundary between the Agency and the plains,
(4) the revision of the arrangements for the administration of civil and criminal justice,
(5) the extent to which the Government of India Act, 1919, can be introduced,
(6) the possibility of development, in respect, particularly, of communications and agriculture and of protecting the headwaters of the rivers,
(7) the development of education,
(8) the check of the drink evil,
(9) anti-malarial measures, and
(10) the preparation of an Agency Code.

Mr. Harris has recently presided at a conference on Agency questions at Waltair and will be asked to prepare a communiqué on the decisions arrived at.

Sale of waste lands under Nagavalli project.

9 *Q.*—Will the Government be pleased to state the extent of waste lands sold under the Nagavalli project, the amount realized thereby, the extent of waste lands to be sold and the probable date when they will be sold?

9 *A.*—An area of 2,347 acres of waste land was sold for Rs. 3,03,903. Sanction was accorded to the sale of a further area of 556 acres of tank-bed land in G.O. No. 991, Revenue, dated the 30th April 1920. The result of the sale has not yet been reported. An area of 700 acres has been reserved for grant to soldiers who served in the war.

Opening of agricultural vernacular middle school in the Telugu tracts.

10 *Q.*—Will the Government be pleased to state whether it is their intention to open an agricultural vernacular middle school in the Telugu tract during the current year and, if so, at what place?

10 *A.*—The question of opening an agricultural middle school at Anakāpalle in the Vizagapatam district is already under the consideration of the Director of Agriculture. It is not yet possible to say whether it will be practicable to open the school before the end of the current year.

Site for the Engineering school, Vizagapatam.

11 *Q.*—Will the Government be pleased to state whether the site required for the construction of the Engineering school at Vizagapatam has been acquired?

11 *A.*—The answer is in the negative.

Feeding arrangements on railways in the Presidency.

12 *Q.*—With reference to G.O. No. 222 Ry., dated 12th August 1919, regarding feeding arrangements on railways in the Madras Presidency, will the Government be pleased to state whether any steps have been taken by the Madras and Southern Mahratta Railway and the South Indian Railway Companies during the current year to give effect to the recommendations contained in the reports published as annexures to the Government Order?

12 *A.*—The information as to the action taken is furnished in Appendix II.*

The Hon'ble the Zamindar of Parlakimedi.

Records in police circles of Ganjam to be in Oriya.

13 *Q.*—Will the Government be pleased to state whether records are still being maintained in Telugu in some purely Oriya police circles of Ganjām?

* Vide Appendix II on page 1327 infra.

13TH JULY 1920.] *(The Zamindar of Parlakimedi; Mr. Davidson.)*

13 *A.*—The Honourable Member is referred to clause (*b*) of the answer to question No. 106 put by the Hon'ble Mr. C. V. S. Narasimha Raju at the meeting of the Legislative Council held on 19th November 1919.

Representation of Oriyas in the office of the District Superintendent of Police, Ganjām.

14 *Q.*—(*a*) Is it a fact that there are only two Oriya clerks in the office of the District Superintendent of Police, Ganjām? and

(*b*) Have the Government issued any instructions to the heads of office in Ganjām that an adequate proportion of Oriya clerks should be maintained in all public offices in the district?

14 *A.*—(*a*) The Government have no information but will inquire.
(*b*) No such instructions have been issued by Government.

The Hon'ble Mr. L. DAVIDSON:—" With His Excellency's permission I should like to add to or rather to vary the answer to question No. 14 by stating that

" We have since heard from the District Superintendent of Police that there are three Oriya clerks in his office."

Oriya presidents and vice-presidents of taluk boards in Ganjām district.

15 *Q.*—Will the Government be pleased to state whether the claims of non-official Oriya gentlemen were called for and considered in nominating presidents and vice-presidents of taluk boards in the Ganjām district?

15 *A.*—The presidentship of the taluk board of Chicacole and the vice-presidentships of all the taluk boards in the Ganjām district are elective. The extension to the taluk board of Berhampur of the privilage of electing its president is under consideration.

The question of nominating non-official presidents for the taluk boards of Goomsūr and Chatrapur is under consideration and the Government will inquire if suitable Oriyas are available for these appointments.

Irrigation works in Buguda mutta, Goomsur division.

16 *Q.*—Will the Government be pleased to state whether proposals for any irrigation projects on the Baghuva or Boda rivers in Buguda mutta of Goomsūr division are under contemplation to protect this area from futures famines?

16 *A.*—An estimate amounting to 8·45 lakhs was sanctioned in 1908 under the head ' 33. Famine Relief ' for the construction of a reservoir on the Baghuva river near Buguda in Goomsūr taluk. The scheme provides for the irrigation of 7,500 acres, of which 2,237 acres were existing wet land. The financial return anticipated twelve years ago was under 2 per cent, and at present rates for work the return would be much lower. The work is not intended to be taken up except as a famine-relief measure.

No project relating to irrigation from the Boda river is under contemplation.

Oriya headmaster for the Oriya Training School at Berhampur.

17 *Q.*—Will the Government be pleased to state the reason why a qualified Oriya incumbent was not appointed to the headmastership of the Oriya Secondary Training School at Berhampur?

17 *A.*—The present incumbent, who is fully qualified, was selected, because his mother-tongue is Oriya and no equally suitable person was available.

Location of the Taluk and Divisional offices at Purushottapuram.

18 *Q.*—Will the Government be pleased to state whether they have been addressed by the local authorities on the representations made by the people of Chatrapur division for the location of the Taluk and Divisional offices at Purushottapuram instead of at Chatrapur; have any orders been passed on the subject?

18 *A.*—The report called for from the local authorities has not yet reached the Government.

Sistu Karnams of the Ganjam district.

19 *Q.*—Were *Sistu Karnams* in the Ganjām district not treated as Oriyas in the last census, and do Government intend to issue the necessary instruction on the subject for the coming census?

19 *A.*—The information is not readily available. The Government will consider the suggestion.

Opening of a middle school in the Ganjam Agency.

20 *Q.*—Will the Government be pleased to state whether any proposals are under consideration to start a middle school at a convenient centre in the Ganjām Agency, and to convert the higher elementary school at Gumma or at Narayanapuram (Parlākimedi Agency) into a middle school?

20 *A.*—No such proposals are under consideration, but the Government have just received from the Director of Public Instruction a proposal to provide a middle school under Board management at Gurandi which is within six miles of the Agency boundary.

(The Zamindar of Parlakimedi ; Mr. Ahmad Tambi Marakkayar ; Mr. Davidson ; Sir Rajagopala Achariyar.) [13TH JULY 1920.

Agricultural Station at Mandasa.

21 *Q.*—Is it a fact that the proposal to start an Agricultural Station at Mandasa for the benefit of the large portion of the Vizagapatam and Ganjam districts north of Anakapalle has been dropped by the Agricultural Department even though the Zamindar of Mandāsa kindly offered to place the necessary land at the disposal of Government centrally situated and in the neighbourhood of the Railway ?

21 *A.*—The Government have no information but will inquire.

The Hon'ble Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar Sahib Bahadur.

Disturbances in Nellore.

22 *Q.*—With reference to my question No. 21 put at the meeting held on 19th November 1919 and the Government's reply thereto, will the Government be pleased to place on the table the report of the First Member of the Board of Revenue, the Hon'ble Mr. Couchman, on the riot that took place at Nellore between Hindus and Muhammadans ?

22 *A.*—The Government are not at present prepared to lay Mr. Couchman's reports on the table. Some of the issues with which those reports deal have been discussed in a magisterial judgment, which has not yet been considered by the Court of Appeal.

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—" May I know when the report is likely to be published ? "

The Hon'ble Mr. L. DAVIDSON :—" The reports will be published, if at all, as soon as possible after the decision of the Court of Appeal."

Opening of District Court and veterinary dispensary at Negapatam, and bridging the Kaduvayar.

23 *Q.*—Will the Government be pleased to state

(*a*) whether there is any likelihood of opening the District Court at Negapatam this year ;

(*b*) whether the Government will expend this year the sum of Rs. 65,000 allotted in the budget for the construction of a bridge across the Kaduvayar and the veterinary dispensary at Negapatam at a cost of Rs. 10,000 ; or

(*c*) whether the sums allotted for the items referred to in (*a*) and (*b*) are going to be utilized to carry out the recommendations of the Salaries Committee ?

23. *A.*—(*a*) The answer is in the negative.

(*b*) (1) *Bridge across the Kaduvayar.*—A sum of Rs. 60,000 (not Rs. 65,000 as stated in the question) was provisionally allotted for the work but has since been resumed.

(2) *Veterinary hospital, Negapatam.*—The grant has not been resumed. Orders approving the estimate will be issued shortly and the work will be pushed through.

(*c*) The statement * of reappropriations which has been laid upon the table shows how resumed amounts are being utilized.

Memorial of a Salt Assistant Commissioner for increased salary.

24 *Q.*—Is it a fact that the Government has received a memorial from Mr. B. M. Marriott, Acting Assistant Commissioner of Salt and Abkāri Department, praying for increased salary ?

24 *A.*—The answer is in the affirmative.

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—" May I know whether the Government will consider the case favourably ?"

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I should like to have previous notice of the question."

Registration of powers of attorney in the houses of gosha ladies.

25 *Q.*—With reference to the sympathetic answer given by the Government to my resolution moved at the meeting held on 16th March last regarding empowering sub-magistrates to register powers of attorney in the houses of gosha ladies, will the Government be pleased to state what reply has been received from the Government of the Straits Settlements to the representations made by this Government ?

25 *A.*—The Governments of both the Straits Settlements and the Federated Malay States have refused to recognize powers of attorney attested by Sub-Registrars in the Madras Presidency.

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—" Will Government be pleased to order sub-magistrates of this Presidency to go to the houses of gosha ladies on application and charge a reasonable fee ? "

The Hon'ble Mr. L. DAVIDSON :—" I gave instructions on the 9th of July that an order to that effect should be drafted. I do not know whether it has actually issued yet."

---

* Vide Appendix III on page 1329 infra.

13TH JULY 1920.] (*Mr. Ahmad Tambi Marakkayar ; Mr. Davidson ; Mr. Sivagnanam Pillai.*)

25. *Q.*—Is it a fact that Government have received a memorial from the Muhammadan inhabitants of Rāmaswāmipuram, Khansahipuram in the district of Rāmnād and Kamapatti in the district of Madura setting forth the ill-treatment they receive at the hands of the Hindu inhabitants of the place? Alleged ill-treatment of Muhammadans by Hindus.

26 *A.*—The answer is in the affirmative.

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—" Will Government be pleased to inquire into the matter ?"

The Hon'ble Mr. L. DAVIDSON :—" The memorial has been transferred to the District Magistrates for disposal."

27 *Q.*—Will the Government be pleased to state when the new scale of pay proposed for Civil Assistant Surgeons will come into force ? New scale of pay of Civil Assistant Surgeons.

27 *A.*—The Government are unable to give a definite answer.

28 *Q.*—Will the Government be pleased to state when the revised scale of pay for the Judicial Civil Service will take effect ? Revised sca[le of] pay for Judi[cial] Civil Service.

28 *A.*—The revised scale of pay will take effect from the 1st December 1919.

29 *Q.*—(*a*) Are Government aware that there is a good deal of heart-burning among village officers in not raising their pay ? Pay of village officers.

(*b*) Are Government also aware that the karnams are not satisfied with the sanctioned scale ?

29 *A.*—(*a*) & (*b*) The Government recognize that there is probably a good deal of dissatisfaction on the part of those village officers to whom no increase of pay has been given but they have no reason to suppose that this feeling is generally shared by the karnams who have received increases.

30 *Q.*—Has the attention of the Government been drawn to the article in page 4 of *Justice*, dated 20th May 1920, under heading 'Non-Brahman Hindus and Registration Department'? Non-Brahmans in the Registration department.

30 *A.*—The Government have perused the article referred to.

31 *Q.*—Are Government aware that no action has been taken in regard to the provision of separate refreshment rooms for Muhammadans in important stations on the South Indian Railway ? Muhammadan refreshment rooms in railway stations.

31 *A.*—The Government understand that the question of a suitable design for a combined refreshment room for Indians of all classes including Muhammadans is now under examination. A Muhammadan refreshment room has already been opened at the Trichinopoly junction and as soon as a satisfactory design can be worked out the railway administration will consider the provision of rooms at other stations on the South Indian Railway in the order of their importance.

32. *Q.*—Are Government aware that the power of recommending members of taluk boards for nomination has been still kept by the Revenue Divisional Officers even after the appointment of non-officials as presidents ? Nominations to taluk boards to be recommended by presidents.

32 *A.*—The appointment of members to taluk boards is made by the presidents of district boards who may consult whom they please before making the appointments.

33 *Q.*—Is it a fact that the members of the Madras Presidency Association of the Sub-Assistant Inspectors of Schools have submitted a fourth memorial praying for the reorganization of their service and to give the following concessions among other things :— Pay of Sub-Assistant Inspectors of Schools.

(1) fixing the minimum pay at Rs. 100 ;
(2) introducing a time-scale of pay of Rs. 100—15—250 ;
(3) reserving some places in the Provincial Educational Service ; and
(4) raising their fixed travelling allowance to Rs. 50 per mensem ?

33 *A.*—Memorials of the nature referred to have been received from Sub-Assistant Inspectors of Schools.

The Hon'ble Rai Bahadur T. N. Sivagnanam Pillai Avargal.

34 *Q.*—Will the Government be pleased to state in what stage the drainage and the water-supply schemes of the Tinnevelly town stand at present ? [D]rainage and water-supply schemes for Tinnevelly town.

34 *A.*—The headworks of the Tuticorin water-supply at Murappanad on the Tambraparni river are now under construction ; and as soon as a sufficient supply of water is assured for Tuticorin, the question of obtaining a supply from this source for the towns of Palamcottah and Tinnevelly will be taken up.

As regards drainage, the necessary investigations have been made by the Sanitary Engineer who will draw up plans and estimates for a scheme.

Irrigation projects in Tinnevelly district.

35 Q.—Will the Government be pleased to state what irrigation projects have been investigated in the Tinnevelly district up to date and in what stage each of them stands at present?

35 A.—A list giving the information so far as available is laid on the table.*

Memorials of compounders for increments and house-rent allowances.

36 Q.—Will the Government be pleased to state what orders they have passed on the memorials of the compounders praying for the grant of annual increments and house-rent allowances?

36 A.—The Government have not yet passed orders on the memorials.

Posting of sub-overseers to 'Upper Subordinate' section charges.

37 Q.—Will the Government be pleased to state why sub-overseers who have proved their efficiency in work are not posted generally to upper subordinate section charges?

37 A.—There is no rule forbidding the posting of a competent sub-overseer to a section charge ordinarily held by an upper subordinate and such postings are occasionally made. The reorganization of the subordinate establishment of the department now under the consideration of the Government of India provides for all section charges being manned by a single 'subordinate service.'

Persons selected as Assistant Registrar of Co-operative Societies.

38 Q.—Will the Government be pleased to publish the full names of the persons who have been selected for training as Assistant Registrars of Co-operative Societies?

38 A.—The attention of the Honourable Member is drawn to the notification No. 23, dated 21st January 1920, published at page 180 of the *Fort St. George Gazette*, dated 27th January 1920, which contains the full names of the deputy collectors selected for training as Assistant Registrars of Co-operative Societies.

Supply to the Periyakulam tank, Tinnevelly district.

39 Q.—With reference to the answer given to question No. 96, dated 11th March 1919, will the Government be pleased to state whether the gauging operations have been completed and what progress has been made in the preparation of the estimate for improving the supply to the Periyakulam tank in Ottapidaram taluk, Tinnevelly district?

39 A.—The discharge observations of the Arakulam Odai for the year 1918 were received from the Superintending Engineer, but it was considered necessary to continue the observations for at least another year. The Superintending Engineer has been asked to submit the results of gaugings made during 1919 and will be again reminded.

Drainage of wet lands under the Perungulam tank, Tinnevelly district.

40 Q.—With reference to the answers given to the series of questions as noted in the margin, will the Government be pleased to state what amount has been collected up to date from the ryots on account of the moiety of the contribution towards improving the drainage of the wet lands under the Perungulam tank in the Srivaikuntam taluk of the Tinnevelly district and what steps have been taken towards the speedy collection of the balance in view of the urgency of the work?

No. 78, dated 16th May 1913.
No. 78, dated 25th May 1915.
No. 146, dated 23rd November 1915.
No. 96, dated 19th November 1918.

40 A.—The Government are not aware what amount has been collected up to date but will inquire. As regards the action taken to expedite collection, the Honourable Member is referred to the Collector's proceedings, dated 22nd December 1919, which is printed in Appendix V.†

The Hon'ble Mr. B. Venkatapati Raju.

Offer of land for an experimental farm in Ganjam district.

41 Q.—Will the Government be pleased to state

(a) whether the Raja of Mandasa offered 50 acres of land for an experimental farm in Ganjām district;

(b) whether the offer was rejected by the Government?

41 A.—The Honourable Member is referred to the answer given to question No. 21.

Paddy pest in Northern Circars.

42 Q.—Will the Government be pleased to state

(a) whether they are aware that the paddy crop in the Telugu districts from Ganjām to Nellore was greatly affected by paddy pest known in the vernacular as 'Yerra Tegulu' causing immense loss to the extent of several lakhs;

(b) whether the Government Entomologist or Mycologist examined this pest, identified the disease, and suggested any method of combating the pest above referred to;

(c) what steps the Government have taken to prevent its recurrence?

42 A.—Inquiries are still in progress.

* Vide Appendix IV on page 1331 infra. † Vide Appendix V on page 1331 infra.

13TH JULY 1920.] *(Mr. Venkatapati Raju.)*

43 Q.—(*a*) Will the Government be pleased to state the number of candidates for the Secondary School-leaving Certificate examination, the number found eligible by the public examination marks and the number found eligible by the moderation of marks for studying in the Intermediate class? Moderation system in the Secondary School-leaving Certificate and Intermediate examinations.

(*b*) What is the percentage of success in the Intermediate examination of this year?

(*c*) Whether the Government propose to take any steps to abolish the moderation system and to reduce the severity of public examinations?

43 A.—(*a*) The Government are not yet in possession of the information desired but have called for it.

(*b*) It has been ascertained from the Registrar of the University that the percentage of success was 30 in part I and 45 in part II.

(*c*) The answer is in the negative.

44 Q.—Will the Government be pleased to state whether the Government propose to make any provincial grant for increasing the emoluments of teachers in the aided schools? If so, at what rate and what is the amount that is likely to be spent on that account? Provincial grant to aided schools.

44 A.—The attention of the Honourable Member is invited to the Press Communiqué on the subject, dated the 16th April 1920. The details of the distribution of the proposed subsidy of one lakh have not yet been fully worked out.

45 Q.—Will the Government be pleased to state when they propose to publish the revision of salaries of the Judicial and Educational departments of the Provincial Service? Salaries of the Provincial Judicial and Educational services.

45 A.—The orders will be published as soon as a decision has been arrived at on certain points which are under correspondence with the Government of India.

46 Q.—Will the Government be pleased to state what are the Bills that would be taken up for consideration in the Legislative Council this year? Legislation during the current year.

46 A.—The following Bills are likely to be introduced :—

(1) The Madras Local Boards Bill.
(2) A Bill to amend the Madras Irrigation Cess (Amendment) Act, 1913.
(3) The Mulgeni Rent Enhancement Bill.
(4) A Bill to amend the Madras Survey and Boundaries Act, 1897.
(5) A Bill to amend the Madras Salt Act, 1889.
(6) A Bill to amend the Madras General Clauses Act, 1891.

47 Q.—Will the Government be pleased to state the proportion of Andhras in the superior service of the Madras Government in the various departments where Indians are employed? Andhras in superior service.

47 A.—If the Honourable Member will specify the respects in which the entries in the civil list are inadequate for the purpose of preparation of the statistics he requires, the Government will consider the desirability of endeavouring to collect such information as he may desire.

48 Q.—Will the Government be pleased to state Mortality returns.

(*a*) the number of deaths in the Madras Presidency due to influenza, plague, cholera, smallpox and malaria, respectively, during the last three years;

(*b*) what additional steps the Government propose to take for the reduction of mortality due to avoidable causes?

48 A.—(*a*) The following statement shows the number of deaths in the Presidency due to plague, cholera, smallpox and fevers in the three calendar years ending 1919:—

	1917.	1918.	1919.
Plague	24,708	12,859	7,049
Cholera	58,938	122,263	87,268
Smallpox	34,958	51,752	43,023
Fevers	321,902	896,088	369,806

Separate figures for influenza and malaria are not available, these having been included under the general heading 'fevers'.

(*b*) Local bodies are primarily responsible for public health administration. The Government propose to consult representatives of these bodies at the conference to be held on July 17th as to what additional steps should be taken to reduce mortality due to avoidable causes.

49 Q.—Will the Government be pleased to state whether the Government propose to bring in any Bill to mitigate the abnormal rise in the prices of foodstuffs or to take any other measures to alleviate the distress? Legislation to mitigate rise in prices of foodstuffs.

49 A.—The Government do not at present contemplate any legislation on the subject. The import of Burma rice at a controlled price is still continued.

(*Mr. Venkatapati Raju ; Mr. Macphail ; Sir Rajagopala Achariyar ; Mr. Raja.*) [13TH JULY 1920.

Steps to be taken for educational reform.

50 *Q.*—Will the Government be pleased to state when the Legislative Council will have an opportunity of discussing the steps to be taken for educational reform in our Presidency other than that of elementary education ?

50 *A.*—Honourable Members have full opportunities of moving resolutions on educational subjects.

Recommendations of the Industrial Commission.

51 *Q.*—Will the Government be pleased to state what immediate steps the Government propose to take in carrying out the recommendations of the Industrial Commission ?

51 *A.*—To carry out the recommendations of the Indian Industrial Commission, the Department of Industries has first to be reorganized. The Government have sanctioned the appointment of an Industrial Engineer and five additional Assistant Directors. The transfer of Pumping and Boring Department from the Department of Agriculture to the Department of Industries, the reorganization of the weaving parties and the constitution of an Advisory Board of Industries are under consideration.

Transfer of chief ministerial officers.

52 *Q.*—Will the Government be pleased to state whether there are any chief ministerial officers in any department continuing in the same post and locality for over five years ?

52 *A.*—The Government are not in possession of the information desired. It is a recognized principle that it is unadvisable to allow the ministerial heads of office, to remain too long in one place, and in G.O. No. 721, Home (Miscellaneous), dated 5th July 1917, which was laid on the Editors' Table, heads of departments were requested to keep that principle in view.

Medical inspection of schools and colleges.

53 *Q.*—Will the Government be pleased to state whether any school or schools, college or colleges, received the advantage of medical inspection of the students ; and with what result ?

53 *A.*—The attention of the Honourable Member is invited to the answer to question No. 80 at the meeting of the Legislative Council held on the 10th March 1920.

The Hon'ble the Rev. E. M. Macphail.

Exclusion of part-time auditors from receiving auditor's certificates.

54 *Q.*—(*a*) Will the Government be pleased to state when the rule was made by which part-time auditors are precluded from receiving auditors' certificates ; and

(*b*) Will the Government be pleased to state when the rule has not been published under section 144 (2) of the Indian Companies Act ?

54 *A.*—The Government have not issued any statutory rule precluding the grant of certificates to part-time auditors and have therefore not published any under section 144 (2) of the Indian Companies Act. But in the interests of the profession a rule of this nature has been observed in practice in the issue of auditors' certificates since 1918.

The Hon'ble the Rev. E. M. MACPHAIL :—"May I ask when this rule was first enforced ?"

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"Which rule does the Honourable Member refer to, please ?

The Hon'ble the Rev. E. M. MACPHAIL :—"The rule referred to in this answer ?"

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"The year is given there as 1918. I really cannot give off-hand the exact date when the rule was first enforced, but I shall ascertain and let the Honourable Member know."

The Hon'ble Mr. M. C. Raja.

Panchama education.

55 *Q.*—With reference to the answer given by Government to my question No. 89 at the meeting of this Council on 10th March 1920, will the Government be pleased to state

(*a*) whether the contemplated scheme for the expansion and improvement of education among Panchamas has now been drawn up.

(*b*) the number and locality of the several schools opened by the deputy collectors under Mr. Paddison ?

55 *A.*—(*a*) The preparation of the scheme has been delayed, partly by the necessity of reappropriating funds for salaries.

(*b*) The Commissioner of Labour will be asked to embody particulars in his annual report.

Admission of Panchamas into aided schools.

56 *Q.*—Will the Government be pleased to state whether they have, since the meeting of this Council on the 10th March 1920, called for a list of all aided schools which are solely intended for caste boys and which do not admit Panchamas ?

56 *A.*—The answer is in the negative.

13TH JULY 1920.] *(Mr. Raja.)*

57 Q.—Will the Government be pleased to call for information with respect to the number of scholarships awarded to Panchama boys and girls and the amount spent on such scholarships during the last three years? Scholarships Panchama pupils.

57 *A.*—The Government understand that the Director of Public Instruction has called for particulars from the inspecting officers with reference to a similar request addressed to him by the Honourable Member and that the Honourable Member has been informed of the action taken.

58 Q.—Will the Government be pleased to state the number and value of the scholarships which will be awarded to Panchama pupils during the current year? Do.

58 *A.*—The Honourable Member is referred to G.O. No. 1038, Home (Education), dated 28th August 1919, which has been placed on the Editors' Table. In addition to the scholarships mentioned therein, Panchama pupils are eligible for the open scholarships which are notified from time to time in Part I-B of the *Fort St. George Gazette*. It is not possible to state the total number of scholarships which will be awarded to Panchamas this year, since the awards are only now being considered.

59 Q.—Will the Government be pleased to state if the staff asked for by Mr. Paddison in his letter No. 111/C of 1919, dated 11th February 1920, for Panchama work has been sanctioned? Staff for Mr. Paddison for Panchama work.

59 *A.*—The question of the staff to be employed under the Commissioner of Labour is under reference to the Government of India. A temporary staff has been sanctioned meanwhile.

60 Q.—Will the Government be pleased to place on the table the report called for in paragraph 5 of G.O. No. 329, Home (Education), dated the 17th March 1919, due in June 1920 with regard to transfer of public schools from agraharams, chavadies and temples to localities to which all classes of the population have free access? Transfer of public schools from agraharams, etc.

60 *A.*—Reports of the action taken up to 31st December 1919 to carry out the instructions in G.O. No. 329, dated 17th March 1919, have been received from local bodies. A review of these reports will shortly be placed on the Editors' Table.

61 Q.—With reference to the answer given by Government to my question No. 95 at the meeting of this Council on 10th March 1920, will the Government be pleased to state the result of their correspondence with the Postal authorities regarding the proposal to pay the pensioners through the Post Office? Payment of pensions through the Post Office.

61 *A.*—The proposal is one which affects the whole of India and is being considered by the Director-General of Posts and Telegraphs in consultation with the heads of other provinces. The Government are awaiting his decision.

62 Q.—With reference to my question No. 97 at the Council meeting of 10th March 1920, will the Government be pleased to state the number of public wells built exclusively for caste people and for Panchamas respectively? Public wells for Panchamas.

62 *A.*—The Government have no information.

63 Q.—Will the Government be pleased to state the number of wells built out of public funds during the last year and how many of them are accessible to Panchamas and other depressed classes? Public wells to which Panchamas have access.

63 *A.*—The Government have no information.

64 Q.—Is the Government aware that in Thillai Vidangan, Chidambaram taluk, Panchamas appearing before the village munsif are not allowed to enter the village munsif's court but are required to stand in the open space under the hot sun outside the building within a circle marked on the ground? Admission of Panchamas into the premises of village munsif's court in Thillai Vidangan, Chidambaram taluk.

64 *A.*—The Government have no information but will instruct the Collector to deal with the complaint made.

65 Q.—Will the Government be pleased to state Admissions into Brahman Widows' Home.

(*a*) whether all the inmates of the Brahman Widows' Home are widows?

(*b*) whether the authorities have, before admitting an inmate, taken steps to find out that the person is without funds or friends to help her to carry on her education?

(*c*) whether it is not a fact that at present there are in the Brahman Widows' Home women receiving Government scholarships whose relatives are able to pay for their education and boarding?

65 *A.*—The Government are making inquiries as to the facts.

(*Mr. Raja ; Mr. Venkatappayya Pantulu.*) [13TH JULY 1920.

Mr. Paddison's report on the depressed classes.

66 *Q.*—Will the Government be pleased to place on the table a report of the work done by Mr. Paddison in his capacity of Protector of the interests of the depressed classes since this office was instituted ?

66 *A.*—The Government see no reason to call for a special report. The annual report of the department will be laid on the Editors' Table in due course.

Utilization of the five lakhs grant for the depressed classes.

67 *Q.*—Will the Government be pleased to place on the table the programme of work for utilizing the five lakhs of rupees sanctioned by Government for the benefit of depressed classes during the current year ?

67 *A.*—The prouision of 5 lakhs under '3. Land Revenue' has been reduced to 3 lakhs—vide item (1) under A. Resumptions in the statement* of re-appropriations of Rs. 50,000 and over in 1920–21 and commitments for 1921–22 which has been placed on the table. No definite programme has yet been drawn up. The sanction of the Government of India to the whole scheme is still awaited.

[illegible] Secondary School, Pulivendla.

68 *Q.*—(*a*) Has the attention of the Government been drawn to the following articles in the Madras newspapers regarding the Ryots' Secondary School, Pulivendla :—

(1) Education at Pulivendla—*Madras Times*, dated 12th May 1920.

(2) Editorial comment on the Ryots' Secondary School, Pulivendla—The *Hindu*, dated 13th May 1920.

(3) Sub-leader on the Ryots' Secondary School, Pulivendla—*Justice*, dated 13th May 1920.

(4) Editorial note on the Ryots' Secondary School, Pulivendla—The *Hindu*, dated 18th June 1920.

(5) Sub-leader on the Ryots' Secondary School, Pulivendla—*Justice*, dated 19th June 1920.

(6) Correspondence on the Ryots' Secondary School, Pulivendla—The *Hindu*, dated 5th June 1920.

(*b*) Is it a fact that there is no high school at present in Pulivendla taluk ?

(*c*) Is it a fact that the Ryots' Secondary School, Pulivendla, is the only complete Lower Secondary recognized school in the taluk ?

(*d*) Is it a fact that the nearest High School to Pulivendla is in Proddatur about 60 miles from Pulivendla ?

(*e*) Is it a fact that the Pulivendla Ryots' Secondary School is under the management of a strong and influential committee of non-Brahmans ?

(*f*) Is it a fact that the Director of Public Instruction has refused recognition for raising this school to the standard of a high school ?

68 *A.*—(*a*), (*b*), (*d*) & (*e*) The answer is in the affirmative.

(*c*) The answer is in the negative.

(*f*) The school was opened in October last a few days after another new lower secondary school entitled the "People's Incomplete Secondary School, Pulivendla." Both institutions applied for recognition and after receiving a special report from the Inspector of Schools, IV Circle, the Director of Public Instruction passed the order of temporary recognition up to form III which is printed as Appendix VI.† The Director has arranged personally to inspect both schools during the current month, and will be prepared to consider recognition of higher forms in the Ryots' Secondary School after it has been working for a full year, provided that the management can then satisfy him that the conditions laid down in the Madras Educational Rules have been duly complied with.

The Hon'ble Mr. K. Venkatappayya Pantulu.

Schemes for demonstration of industries.

69 *Q.*—Will the Government be pleased to state whether, having regard to the recommendations of the Industrial Commission, any and what schemes for the pioneering or demonstration of industries have been undertaken by the Government or are now under their consideration ?

69 *A.*—Besides the soap factory at Calicut and the cannery at Beypore, an industrial laboratory and a jam and pickle factory have been established at Coonoor in 1919. The establishment of these factories was sanctioned in G.O. Nos. 1243, Revenue (Special), dated the 24th June 1919, and 1677, Revenue (Special), dated the 3rd September 1919, and these orders were placed on the Editors' Table. The Government have also agreed to assist Messrs. Beardsell & Co. in the manufacture of glue by lending them the necessary plant and the services of the Chemistry Assistant in the Department of Industries.

There are no other proposals under the consideration of the Government at present.

* Vide Appendix III on page 1329 infra. † Vide Appendix VI on page 1332 infra.

70 Q.—(*a*) Will the Government be pleased to state whether the investigations regarding the pumping project at Pratur in the Guntūr district have been completed ? Pumping project at Pratur.

(*b*) Is it a fact that the Government intend to supply water under that irrigation project only to sugarcane plantations and that the ryots are unwilling to have their fields irrigated under that condition ?

70 *A.*—(*a*) The investigation has been completed.

(*b*) The Government have had under consideration a proposal to restrict the scheme to the cultivation of sugarcane and garden crops. It is reported that the ryots of the Guntūr taluk are willing to raise garden crops instead of paddy except in certain low-lying places which they state are only fit for paddy cultivation ; the ryots of Tenali, however, desire the option to grow either chillies, turmeric or paddy.

71 Q.—Will the Government be pleased to state what progress has been made in the investigation of the Thokapalle project in the Kurnool district and when that project is likely to be sanctioned and work commenced ? Thokapall[e] project, K[urnool] district.

71 *A.*—The investigation of the scheme referred to has almost been completed, and the final plans and estimates are awaited from the Superintending Engineer. As the project if approved will probably require the sanction of the Government of India it is not possible to say when the scheme will be sanctioned and work thereon commenced.

72 Q.—Will the Government be pleased to state whether there are any co-operative building societies in this Presidency, and, if so, how many of them receive financial aid from the Government ? Government aid to co-operative building societies.

72 *A.*—There were eleven co-operative building societies on the 30th June 1919. One of them, viz., that organized for the Othachekars at Coimbatore, received financial assistance from the Coimbatore Municipal Council which obtained a loan from the Government for the purpose.

73 Q.—Will the Government be pleased to state Cultivable unoccupied waste land in the Guntūr, Kistna and Gōdāvari districts.

(*a*) the extent of cultivable unoccupied waste land disafforested or otherwise in each of the districts of Guntūr, Kistna and Gōdāvari, and

(*b*) the extent reserved out of the said lands for grants to military people ?

73 *A.*—(*a*) According to a report of March 1918 the total extent of unoccupied waste land in each of the three districts is as follows :—

	ACS.
Guntūr	154,229
Kistna	137,965
Gōdāvari	31,159

It is not known how much of this area is cultivable.

(*b*) Thirty-four units in Guntūr, 29 in Kistna and 23 in Gōdāvari having a capitalized value of Rs. 3,500 each have been reserved for assignment to soldiers who have served in the war. The acreage of a unit varies according to the quality of the land. The total area involved is not known.

74 Q.—Will the Government be pleased to state how many, out of all the auditor's certificate holders in this Presidency, are Telugus ? Telugus among the auditor's certificate holders.

74 *A.*—The Government have no information.

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" May I request the Government to call for information ? "

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Before I answer that question, will the Honourable Member kindly say what exactly he means by 'Telugus' ?"

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" Telugu language as mother tongue."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Will the Honourable Member kindly write and explain exactly what kind of information he wants and I shall gladly call for it ? "

75 Q.—Will the Government be pleased to state whether any qualifications are prescribed for eligibility for a temporary restricted auditor's certificate beyond the holding of the Government diploma in commerce ? Qualifications for a temporary restricted auditor's certificate.

75 *A.*—The existing rules were published on page 865 of Part I of the *Fort St. George Gazette*, dated 14th September 1915. These are now under revision.

(*Mr. Venkatappayya Pantulu ; Mr. Madhava Raja.*) [13TH JULY 1920.

Acquisition of sites for police huts in the Popham's Broadway.

76 *Q.*—Will the Government be pleased to state

(*a*) whether any memorials have been received from the residents of Popham's Broadway this year objecting to the acquisition of sites in Popham's Broadway for police huts ?

(*b*) whether the attention of the Government is drawn to the articles on the subject contained in the *Madras Times* of 7th May 1920 ?

76 *A.*—(*a*) The answer is in the affirmative.

(*b*) The Government have perused an article headed 'Police lines' in the evening issue of the *Madras Times* of the 6th May 1920.

The Hon'ble Mr. V. Madhava Raja.

...ter-supply, ...nage and ...ric ...llation for ...e Calicut municipality.

77 *Q.*—(*a*) Are the Government aware that a water-supply and drainage system and an electric installation are long-standing and urgent needs of the Calicut municipality ?

(*b*) What is the present stage of the proposals for the provision of the above ?

(*c*) Have any preliminary investigations been carried out, or are any contemplated, in regard to the above matters ?

(*d*) Is there any prospect of work on the schemes being started in the near future ?

(*e*) Do the Government intend to assist the municipality by means of substantial grants for the purpose ?

77 *A.*—Estimates for a water-supply scheme are under the scrutiny of the Sanitary Board and the estimates for a drainage scheme are under preparation by the Sanitary Engineer. The schemes will be taken up for execution when the municipal council is in a position to finance them. The question of the assistance to be rendered by Government will be considered when plans and estimates are ready.

No proposal is under consideration for an electric installation for Calicut.

G.O. No. 499, Financial, dated 1st June 1920, and low-paid copyist establishments in courts.

78 *Q.*—(*a*) Are the Government aware that G.O. No. 499, Financial, dated 1st June 1920, sanctioning temporary allowances to Government servants does not benefit the low-paid copyist establishments in courts ?

(*b*) Are the Government aware that this has caused grave disappointment amongst the members of this class ?

(*c*) Do the Government intend to afford any immediate relief to this class of subordinates also ?

78 *A.*—The Government Order referred to does not improve the position of copying establishments. The Government are now examining the question how relief can best be given in these cases.

Increased allowances to non-gazetted and gazetted officers.

79 *Q.*—(*a*) Are the Government aware that the orders in G.O. No. 499, Financial, dated 1st June 1920, sanctioning temporary allowances to subordinates on Rs. 100 and below have caused great disappointment among all classes of non-gazetted subordinates ?

(*b*) Are the Government aware that the absence of any sanction of increased allowance to subordinates drawing above Rs. 100 but below the deputy collector's grade in the Revenue Department and the munsif's grade in the Judicial Department has caused considerable heart-burning to those subordinates ?

(*c*) Will the Government be pleased to state what increases of salary have been sanctioned to subordinate establishments of other provinces and how they compare with the allowances sanctioned in the Government Order mentioned above ?

(*d*) Will the Government be pleased to state the percentage of increase of salary sanctioned for the gazetted subordinates in the following services :—

(i) Indian Civil Service.

(ii) Indian Educational Service.

(iii) Indian Medical Service.

(iv) Public Works Department.

(v) The Madras Provincial Service ?

79 *A.*—(*a*) & (*b*) The Government have seen communications in the newspapers which would bear out the Honourable Member's suggestion.

(*c*) The statement * placed on the table compares the percentage of increase hitherto granted in Madras with those sanctioned by certain of the other Local Governments so far as information is available here.

---

* *Vide* Appendix VII on page 1332 *infra*.

(*d*) It is impossible to arrive at any percentage which will correctly represent the facts. The following statement shows as nearly as possible the estimated annual cost of the different services before revision and the additional cost estimated for the current year as the result of the revision :—

	LAKHS.	LAKHS.
Indian Civil Service	28·40	3·00
Indian Educational Service	4·05	·45
Indian Medical Service	6·26	1·64
Public Works Department	12·84	4·50
Provincial Civil Service	15·55	6·12

Alteration in the date of opening of medical schools.

80 *Q.*—Will the Government be pleased to state the reasons for the alteration in the date of opening of medical schools from July to January ?

80 *A.*—The change was effected in the interests of medical education and of the students themselves. Under the former system of admission the time spent in teaching was only about seven months in the year. This has proved insufficient. Moreover the Secondary School-leaving Certificate examination results are often communicated too late to enable students to join a medical school by July 1st, and it is difficult for the superintendents of the schools to make a judicious selection. Under the new arrangement the teaching can be given for a period of $9\frac{1}{2}$ months, or even 11 months, without dislocating work or without overtaxing the students or instructors, and a more careful scrutiny of the qualifications of applicants for admission can be made.

Alteration of the time for public examinations.

81 *Q.*—Are the Government aware that the time fixed for public examinations, viz., March, is most unsuitable being the hottest part of the year and works great hardship on the student population ?

81 *A.*—The Government are not aware that the facts are as suggested.

Admission of failed Matriculation candidates also to public service.

82 *Q.*—Is it the intention of Government to accept as sufficient qualification for public service a completed course of Matriculation study irrespective of success or failure at the Matriculation examination as has been done in the case of Secondary School-leaving Certificate candidates irrespective of the marks they get ?

82 *A.*—The answer is in the negative.

The Hon'ble Mr. P. Siva Rao.

Increase of pay of the compounders.

83 *Q.*—With reference to question No. 52 put by me at the meeting of the Legislative Council, dated the 10th of March, will the Government be pleased to state whether the Government have since considered the memorials from the compounders of the Presidency regarding the increase of their pay ; and what orders have been passed on them ?

83 *A.*—The Honourable Member is referred to the answer given to question No. 36.

Bill to amend Acts II of 1894 and III of 1895.

84 *Q.*—(*a*) Will the Government be pleased to state whether they intend introducing a Bill for the amendment of Act II of 1894 and Act III of 1895 (Madras Hereditary Village Officers Act) ?

(*b*) Will the Government be pleased to publish the opinions of the public elicited thereon ?

84 *A.*—(*a*) The Bill is under the consideration of Government.

(*b*) The Honourable Member's suggestion will be considered.

Recruitment of higher judicial offices from the Bar.

85 *Q.*—(*a*) Will the Government be pleased to state whether any decision has been arrived at regarding the recruitment of a certain percentage of higher judicial offices in the mufassal from the Bar, as recommended by the Public Service Commission ?

(*b*) Will the Government be pleased to publish the report of the committee appointed to consider the recommendations of the Public Service Commission in regard to the Provincial Executive and Judicial services and to give an opportunity of discussing the said report in the Legislative Council ?

85 *A.*—The Honourable Member is referred to the answers given to questions Nos. 39 and 64 at the Legislative Council meetings of the 29th and 10th March 1920, respectively. The matter in issue is still under correspondence with the Government of India and the Secretary of State.

The Hon'ble Mr. P. SIVA RAO :—" Will the Government be pleased to publish the report of the Committee referred to in question (*b*) ? "

The Hon'ble Mr. L. DAVIDSON :—" The Government will examine the question but I can give no undertaking on the subject at the moment."

(*Mr. Siva Rao ; Mr. Haji-Abd-ul-lah Haji Qasim Sahib.*) [13TH JULY 1920.

Abolition of the Board of Revenue.

86 *Q.*—Will the Government be pleased to state, with reference to question No. 31 put by me at the meeting of the Legislative Council, dated 29th March, whether they have arrived at any decision regarding the abolition of the Board of Revenue?

86 *A.*—The examination of the question is still incomplete.

Legislation to embody principle of Land Revenue policy.

87 *Q.*—Will the Government be pleased to state whether they have decided the question of embodying the principles of Land Revenue policy in legislation in accordance with the recommendations of the Joint Committee of both the Houses of Parliament?

87 *A.*—The Board of Revenue has been asked to prepare the draft of a Bill for consideration by the Government.

Council Secretaries under the Reform Act.

88 *Q.*—Will the Government be pleased to state how many Council Secretaries will be appointed under the Reforms Act (the Government of India Act, 1919); and on what salaries?

88 *A.*—The number of Council Secretaries to be appointed has not yet been decided. The salaries of such officers will, under section 4 of the Government of India Act, 1919, be fixed by a vote of the Council.

Bifurcation of the Kistna district.

89 *Q.*—Have the Government received any memorial regarding the mode of bifurcation of the Kistna district and the fixing of headquarters thereto?

89 *A.*—The Government invited public criticism of the alternative proposals in a press communiqué, dated the 3rd March 1920. The replies received are under consideration.

Opening of a High School at Hospet.

90 *Q.*—Have the Government received any representation from the townspeople of Hospet in the Bellary district for the opening of a high school at Hospet?

90 *A.*—The answer is in the affirmative.

The Hon'ble Khan Bahadur Haji Abd-ul-lah Haji Qasim Sahib Bahadur.

Dates for the next Legislative Council elections.

91 *Q.*—Will the Government be pleased to state approximately the dates to be fixed for the several stages of the next general elections of the Madras Legislative Council?

91 *A.*—The dates for the several stages of election to the Madras Legislative Council cannot be fixed now as the rules under the Government of India Act, 1919, have not yet received the sanction of the Secretary of State. The following dates have, however, been provisionally fixed for the elections in the general constituencies:—

(1) Publication of preliminary rolls	Not later than 18th August.
(2) Filing of claims and objections	28th August.
(3) Publication of list of claims and objections.	3rd September.
(4) Sitting of revising authority	15th September.
(5) Final publication of rolls	15th October.
(6) Polling	20th November.

Compounding of forest offences.

92 *Q.*—Will the Government be pleased to state whether orders have been passed giving effect to the acceptance by Government of my resolution moved at the last November meeting of this Council on the question of compounding forest offences?

92 *A.*—Orders are under preparation but have not yet been passed giving effect to the acceptance by Government of the resolution referred to.

'Kattu-Uttara' account of remissions in South Kanara district.

93 *Q.*—Will the Government be pleased to ascertain and state whether an account called 'Kattu-Uttara' account, of remissions on account of dams, was being maintained in the South Kanara district prior to the settlement of 1902 and after that settlement?

93 *A.*—An account of 'Kattuttar' remissions was maintained in the South Kanara district prior to the settlement of 1902. The Government have no information whether the account is maintained at present, but they presume it is not maintained as the charge for double crop lands was specially fixed at $1\frac{1}{4}$ times the single crop charge instead of $1\frac{1}{2}$ times the single crop charge as in the rest of the Presidency, in order to afford compensation for the abolition of the system of Kattuttar remissions.

Hindu-Muhammadan riots, Nellore.

94 *Q.*—In view of the answer given to my question No. 82 at the last March meeting of the Council regarding the Hindu-Muhammadan riots at Nellore, will the Government be pleased to state whether the criminal cases connected with them have been disposed of and if any orders have been passed on the report of the Special Officer?

94 *A.*—The Honourable Member is referred to the answer to question No. 22. Final orders will not be passed on the special reports until the judicial proceedings have been dealt with on appeal.

13TH JULY 1920.] (*Mr. Haji Abd-ul-lah Haji Qasim Sahib ; Mr. Balaji Rao Nayudu ; Mr. Desika Achariyar.*)

Recruitment of police inspectors in South Kanara district.

95 *Q.*—Is it a fact that since 1900 fifteen police officers have been brought to South Kanara from outside districts as inspectors, and whether these inspectors knew Tulu ?

95 *A.*—The Government are not in possession of information enabling them to verify the suggestion.

Grave crimes in South Kanara district.

96 *Q.*—Is it a fact (*a*) that there has been an increase of murders and other grave crime in the South Kanara district in recent years and (*b*) that a large majority of them have been reported as undetected ?

96 *A.*—(*a*) So far as can be gathered from the Police administration reports for the years 1910 to 1918 there has been no very marked increase in grave crime during that period.

(*b*) The Government have no information on the point.

Village panchayat courts in Malabar and South Kanara.

97 *Q.*—Will the Government be pleased to state why village panchayat courts have not been constituted in Malabar and South Kanara as yet ?

97 *A.*—Orders constituting village panchayat courts in the districts of Malabar and South Kanara were issued in the month of April last.

The Hon'ble Rao Bahadur T. Balaji Rao Nayudu.

Distribution of Inspectorships and Assistant Inspectorships castewar.

98 *Q.*—Will the Government be pleased to state the distribution of Inspectorships and Assistant Inspectorships of Schools among Europeans, Indian Christians, Muhammadans, Brahmans and non-Brahmans ?

98 *A.*—The Honourable Member is referred to the Quarterly Civil List.

Provincial appointments in Public Works Department among various communities.

99 *Q.*—Will the Government be pleased to state the distribution of Provincial appointments in the Public Works Department among the various classes of communities ?

99 *A.*—The Honourable Member is referred to the half-yearly Classified List and Distribution Return of Establishment in the Public Works Department.

Certain judicial appointments.

100 *Q.*—Has the attention of the Government been drawn to three articles which appeared in the *Justice* newspaper of the 20th March, with reference to certain judicial appointments ?

100 *A.*—The answer is in the affirmative.

Increase of pensions.

101 *Q.*—Will the Government be pleased to state if any representations have been received from the civil pensioners of the lower grades in this Presidency to increase their pensions and what action is being taken in the matter ?

101 *A.*—Several memorials have been received. The question is an all-India one. The Local Government are not in a position to take independent action.

Orders on the Salaries Committee's report.

102 *Q.*—Will the Government be pleased to state what orders have so far been passed on the Salaries Committee's report and what portions of it are still under consideration ?

102 *A.*—The Honourable Member's attention is invited to the orders in G.Os. Nos. 146, Financial, dated the 18th February 1920, and 499, Financial, dated the 1st June 1920, which have been placed on the Editors' Table. The portions of the report that are not dealt with in those orders are still under examination.

The Hon'ble Diwan Bahadur T. Desika Achariyar Avargal.

Coonoor water-supply and the Railway Colony.

103 *Q.*—(*a*) Has the Government been pleased to consider the scheme submitted by the Coonoor Municipal Council for an improved water-supply ?

(*b*) Are the Government aware that 600 and odd European and Indian residents of the Railway Colony on 'Mount Pleasant,' Coonoor, suffer very badly owing to a shortage of the municipal supply, and to augment the same they have recourse to the contaminated open channel and nullahs ?

103 *A.*—(*a*) The scheme is under the consideration of the Government.

(*b*) Representations to that effect have been received.

Do.

104 *Q.*—Will the Government be pleased to say what action they propose to take in the matter to prevent any possible serious consequence to the health of the people of the Colony ?

104 *A.*—An emergency scheme to give temporary relief to the colony pending the execution of the main scheme is under examination.

Katpadi.

The Indian refreshment room at this station is situated on the Vellore platform necessitating passengers having to cross by the overbridge. There is also no accommodation for Muhammadans. It would be a great improvement if a new building were constructed on the island platform, and, if justified, dining and cook rooms for Muhammadans provided. There appears to be ample space on the island platform for such a building.

See remarks under Renigunta. The new refreshment room will be on the island platform.

Jālārpet.

The accommodation at this station is insufficient and I suggest the question of increasing it be considered.

The whole station at Jālārpet is to be remodelled, and, until this work is carried out, the existing platform is not large enough to admit of extending the Indian refreshment room.

Hospet.

There is suitable accommodation for all castes, but if an extra room were provided for stores it would be an improvement.

A plan for improving the refreshment room at this station is under consideration.

Guntakal.

The room here is accommodated in a temporary corrugated iron structure and is rather dark. A better building would be more in keeping with the excellent condition of the rest of the station buildings.

A plan for improving the refreshment room at this station is under consideration.

Dharmavaram.

A portion of the third-class waiting hall has been converted into a building for the accommodation of the Indian refreshment room and is suitable for requirements.

Certain improvements have been carried out in this refreshment room.

Dronachalam.

The accommodation at this station is quite suitable for requirements.

Type plan for an Indian refreshment room with separate accommodation for Hindus and Muhammadans is under consideration.

Donakonda.

Here there is only one room for all castes. As it is a fairly large one, I would suggest that a partition be put up so as to give a separate accommodation for Brahmans and non-Brahmans and also a small room built for stores.

Proposals for an Indian refreshment room at this station are under consideration.

Waltair.

There are separate rooms for Brahmans and non-Brahmans. Very few Muhammadan passengers frequent this station. It would be an improvement if the kitchen could be accommodated in a separate structure, as at present it is practically part of the Brahman room and the smoke hangs about and makes the room dirty.

Proposals for improving the Indian refreshment room accommodation at this station are pending the transfer of Waltair station to Bengal-Nagpur Railway.

Gudur.

The accommodation here is suitable for requirements. Owing to complaints having been received with regard to this refreshment room contractor, a new man has lately been appointed.

A new Indian refreshment room is to be constructed at this station.

APPENDIX III.

[Vide answer to question No. 23 asked by the Hon'ble Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar at the meeting of the Legislative Council held on the 13th July 1920, page 1314 supra, and answer to question No. 67 asked by the Hon'ble Mr. M. C. Raja at the meeting of the Legislative Council held on the 13th July 1920, page 1320 supra and item (2) under 'Communications to the Council', page 1333 infra.]

Statement of reappropriations of Rs. 50,000 *and over in* 1920–21 *and commitments for* 1921–22.

With reference to the undertaking given in March 1920 on a resolution moved by the Hon'ble Mr. B. V. Narasimha Ayyar, the following statement of re-appropriations of sums amounting to Rs. 50,000 and over sanctioned by the Government since the 1st April 1920 is placed on the table :—

A—Resumptions.

Head of account.	Item.	Provision in the budget.	Amount resumed.
		RS.	RS.
3. Land Revenue ..	(1) Lump provision for promoting the welfare of the depressed classes	5,00,000	3,00,000
3. Land Revenue—Charges of district Administration.	(2) Lump provision for the revision of the pay of the Indian Civil Service	5,07,000	2,07,000
18. General Administration.	(3) Lump provision for expenditure in connexion with the elections under the Reforms Scheme ..	5,00,000	2,00,000
22. Education—Government Schools—General.	(4) Opening of new schools in sites to be selected by Collectors in consultation with the Commissioner of Labour	2,00,000	1,00,000
22. Education—Government Schools—General.	(5) Grants to local bodies for elementary school buildings ..	4,00,000	4,00,000
22. Education—Grants-in-aid.	(6) Building grants for schools ..	2,63,000	50,000
24-A. Medical—Hospitals and Dispensaries.	(7) Grants to local bodies for medical buildings	1,00,000	1,00,000
24-B. Sanitation—Grants for sanitary purposes.	(8) Grants to local bodies for minor sanitary works	6,50,000	6,00,000
	(9) Grants to local bodies for water-supply and drainage schemes ..	11,00,000	2,00,000
	(10) Grant to the Madras Corporation for water-supply and drainage works	9,00,000	4,00,000
32. Miscellaneous ..	Reserve provision	7,00,000	5,00,000
43. Minor Works and Navigation.	(11) Works in charge of Civil officers	9,28,000	1,00,000
	(12) Works in charge of the Public Works Department	32,07,000	1,00,000
45. Civil Works—Civil	(13) Grants to poorer district boards for communications	5,00,000	1,70,000
	(14) Grants to local bodies for roads, bridges and causeways ..	4,90,000	4,00,000
	(15) Grants to local bodies for the maintenance of trunk roads ..	16,00,000	16,00,000
45. Civil Works—Public Works Department.	(16) Construction of official residences at Madras	1,00,000	1,00,000
	(17) Building for the Madras Trades School	50,000	50,000
	(18) Providing water-supply to the Police Recruits' School, Coimbatore	53,000	53,000
	(19) Buildings for the Medical School, Guntūr	50,000	50,000
	(20) New buildings for the tuberculosis hospital	2,00,000	1,50,000

A—Resumptions—cont.

Head of account.	Item.	Provision in the budget.	Amount resumed.
		RS.	RS.
45. Civil Works—Public Works Department—*cont.*	(21) Hostel block for the sub-assistant surgeon pupils at Royapettah	50,000	50,000
	(22) Medical School for Women at Madras	50,000	50,000
	(23) Lump sum for improvements to headquarter hospitals ..	3,00,000	1,00,000
			60,30,000

B—Allotments.

Head of account.	Item.	Provision in the budget.	Amount resumed.
3. Land Revenue	(i) Temporary allowances to the subordinate staff	54,30,000	43,00,000*
3. Land Revenue—Charges of District Administration.	(ii) Revision of the pay of the Provincial Civil Service (Deputy Collectors)	87,000	2,36,000†
3. Land Revenue—Survey and Settlement.	(iii) Resurvey of the Wynaad ..	..	1,00,000†
11. Forest—Conservancy and works.	(iv) Construction of forest roads ..	..	1,00,000†
19-A. Courts of Law—Civil and Sessions Courts.	(v) Revision of the pay of the Provincial Judicial Service .	1,64,000	3,76,000†
22. Education—Grant-in-aid.	(vi) Raising the pay of secondary school teachers	..	1,00,000†
45. Civil Works—Public Works Department.	(vii) Acquisition of the Centre Hotel, Ootacamund, for residences for officials ..	..	90,000
	(viii) Construction of an upper storey to the Legislative Council Chamber, Fort St. George	..	2,25,000
	(ix) Acquisition of the Long Tank at Nungambakkam	..	50,000
	(x) Land compensation at Cochin.	..	1,00,000
	(xi) Investigation of the Cochin harbour scheme	..	1,57,000
	(xii) Revision of the pay of Imperial and Provincial Service Engineers	..	6,62,000‡
			64,96,000

*The allotment has not yet been finally made, pending a report from the Accountant-General as to the distribution of the total amount among the various service heads.

†In these cases, the Government have decided to sanction the allotments and these will be made as demands are received.

‡The allotment has been decided on, but not yet sanctioned.

Note.—The excess of the allotments over the resumptions is covered by the resumption of several small items amounting to less than Rs. 50,000 in each case.

2. The Government have also undertaken to incur expenditure in 1921–22 on the following schemes :—

	Amount.
	RS.
(1) Acquisition of two bungalows to the south of Queen Mary's College, Madras, for the purposes of the College	3,00,000
(2) Grant to the Madras Corporation for water-supply and drainage works [Balance of the grant of 12 lakhs promised to the Corporation towards its restricted scheme]	2,00,000

APPENDIX IV.

[Vide answer to question No. 35 asked by the Hon'ble Rai Bahadur T. N. Sivagnanam Pillai Avargal at the meeting of the Legislative Council held on the 13th July 1920, page 1316 supra.]

List of Irrigation Projects in the Tinnevelly district.

Name of project.	Remarks.
1. Pāpanāsam project	The project is to form a reservoir across the Tāmbraparni at Pāpanāsam in the Ambāsamudram taluk. The scheme has not been investigated in detail, as it is unlikely that a remunerative project could be drawn up; but gaugings are being taken to ascertain the quantity of water available for storage.
2. Ghiriar project	The proposal was to divert eastward the Ghiriar river at present flowing west through Travancore territory. The scheme was abandoned in consequence of objections raised by the Travancore Darbar.
3. Kallār project (Parapār scheme) ..	The scheme was found impraticable at reasonable cost and in consequence abandoned.
4. Restoration of Sivalapēri and Parākramapāndian tanks.	The scheme was investigated and abandoned, on account of the heavy land compensation involved, and as being likely to interfere with the supply to the Marudur and Srīvaikuntam anicut systems.

APPENDIX V.

[Vide answer to question No. 40 asked by the Hon'ble Rai Bahadur T. N. Sivagnanam Pillai Avargal at the meeting of the Legislative Council held on the 13th July 1920, page 1316 supra.]

Proceedings of A. R. Cox, Esq., I.C.S., Acting Collector of Tinnevelly, dated 22nd December 1919, *No. R.O.C.* 3611-*Rev.*

Read petition, dated 22nd December 1919, from the ryots of Perungulam village, Srīvaikuntam taluk, regarding the collection of the ryots' contribution towards the cost of the work of improving the drainage of the wet lands under the Perungulam tank.

Read also the connected records.

Order.—I am very interested in the matter of the collection of the ryots' contribution towards the cost of the work of improving the drainage of the wet lands under the Perungulam tank. There are a large number of pattadars who are equally anxious that their contribution should be collected. At present no great interest is being evinced by Government officers concerned, but the amount cannot be collected without their influence and interest. I therefore make the following arrangements :—The total due by the ryots—Rs. 23,435—will be collected in two years—as far as possible along with the monthly kists. The village munsifs of Perungulam, Mangalakurichi and Siruthondanallūr will be responsible for the collection. The karnams will prepare lists showing the amounts payable by each pattadar according to his beriz and will inform the village munsifs how much is due. The latter will prepare and maintain separate accounts showing demand, collection and balance for each pattadar of their villagers. They will remit the collections to the Taluk office along with the usual kist collections. The Tahsildar will keep the 'contribution' remittances in amanath and the amounts contributed will be remitted from time to time to the Bank of Madras, Tuticorin, to be placed in fixed deposit for one year in the name of the Collector of the district on behalf of the Perungulam ryots. Thus it is hoped interest of Rs. 600 will be added to the fund in the year and the ryots' contributions will not be idle in the Government Treasury bearing no interest.

The village munsifs will of course grant separate receipts for the receipt of contributions from the pattadars. He will have to be very careful in regard to all matters connected with the collection so that there may be no possible disputes.

The Tahsildar will take as much personal interest in the matter as possible and send to me every month a statement showing the amount collected.

It is understood that most of the ryots are anxious to have the collections made in this manner, but it must be clearly remembered that no one should be forced to pay against his will and that no coercive process of any kind can be issued by any authority.

It will not matter if more than half is collected in the first year, i.e., in the kists from February to May 1920. A round proportion of about half the sirkar kist will, it is believed, produce about half the total. The second half will be more easily collected in the second year and exact adjustments made. The Collector hopes to see the contribution paid in full before May 1920.

APPENDIX VI.

[Vide answer to question No. 68 asked by the Hon'ble Mr. M. C. Raja at the meeting of the Legislative Council held on the 13th July 1920, page 1320 supra.]

Director of Public Instruction's Order Dis. No. 4267, *dated* 21*st June* 1920.

Temporary recognition to both the schools, the People's and the Ryots' Secondary School, up to and including the III form is granted. The management of each school is informed that the Director considers it desirable in the interests of the educational advance of the people of the taluk, with a view to obviate unnecessary waste of public and private funds, and since there appears at present to be a need for only one secondary school in the taluk, that it (i.e., the management) might come to some mutual agreement with the management of the other school for amalgamation of the two schools, and that so long as two secondary schools exist in Pulivendla the funds at the disposal of the Director will not permit of grants-in-aid being given except on the basis of a distribution between the two schools of the grants for which a single school in Pulivendla would be eligible. The Director trusts that an early amalgamation will take place.

APPENDIX VII.

[Vide answer to question No. 79 asked by the Hon'ble Mr. V. Madhava Raja at the meeting of the Legislative Council held on the 13th July 1920, page 1322 supra.]

Statement comparing the percentage of increase sanctioned in Madras with those sanctioned by certain other local Governments.

Rate of pay.	Percentage of the allowance sanctioned in G.O. No. 499, Financial, dated 1st June 1920.	Percentage sanctioned in			
		Bihar and Orissa.	Punjab.	United Provinces.	Bombay.
5					
10			40		
15	50		$26\frac{2}{3}$	77	
20		25	35		
25	40	20	40		75
30	$33\frac{1}{3}$	$16\frac{1}{4}$	$33\frac{1}{3}$		
35	$28\frac{4}{7}$	$21\frac{3}{7}$	$28\frac{4}{7}$	58	
40	25	$18\frac{3}{4}$	$27\frac{1}{2}$		
45	$22\frac{2}{9}$	$16\frac{2}{3}$	$24\frac{4}{7}$		
50	20	15	22		
55	$18\frac{2}{11}$	$18\frac{2}{11}$	20		70
60	$16\frac{2}{3}$	$16\frac{2}{3}$	$18\frac{1}{3}$		
65	$15\frac{5}{13}$	$15\frac{5}{13}$	20	45	
70	$14\frac{2}{7}$	$14\frac{2}{7}$	$18\frac{4}{7}$		65
75	$13\frac{1}{3}$	$13\frac{1}{3}$	20		
80	$12\frac{1}{2}$	$18\frac{3}{4}$	20		
85	$11\frac{13}{17}$	$17\frac{11}{17}$	20		60
90	$11\frac{1}{9}$	$16\frac{2}{3}$	20	40	55
95	$10\frac{10}{11}$	$15\frac{5}{19}$	20		
100	10	15	20		50
110					50
120					40
130				30	35
140					30
150					
160		15			
170	Nil.	subject to a	20	24	25
180		maximum of			
190		Rs. 50.			
200					
225					
250				20	20
275					
300 and over.					

13TH JULY 1920.] *(The President; Mr. Davidson; the Advocate-General; Sir Rajagopala Achariyar.)*

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

His Excellency the PRESIDENT announced that the undermentioned Acts received the assent of His Excellency the Governor-General on the dates noted against each :—

The Madras Children Act, 1920 .. .. 29th May 1920.
The Madras District Municipalities Act, 1920 .. .. 15th June 1920.

COMMUNICATIONS TO THE COUNCIL.

(1) The SECRETARY to the Council reported the receipt of the following communications to the Council.

(*a*) *Regarding the Bill to amend the Madras Court of Wards Act,* 1902, *and the Madras Impartible Estates Act,* 1904.

From the Honorary Secretary, Madras Zamindars and Landholders' Association, Madras, dated the 9th April 1920.

(*b*) *Regarding the Madras Elementary Education Bill,* 1920.

(i) From the Hon'ble Diwan Bahadur T. Desika Achariyar Avargal, President, District Board, Trichinopoly, dated the 19th March 1920.
(ii) From the Secretary to the Educational Sub-Committee, Mahajana Sabha, Madras, dated the 29th March 1920.
(iii) From M.R.Ry. R. Vaidyanathaswami Ayyar Avargal, Mudikondan, Tanjore district, dated the 28th May 1920.
(iv) From M.R.Ry. S. Parameswara Ayyar, Headmaster, Elementary school, Ganapati-agraharam, Tanjore district, dated the 14th June 1920.
(v) From the Secretary to the Gōdāvari District Association, Cocanada, dated the 23rd June 1920.

(*c*) *Regarding the Madras Local Boards Bill,* 1920.

(i) From the Secretary to the Gōdāvari District Association, Cocanada, dated the 23rd June 1920.
(ii) From M.R.Ry. N. Ramadas Pantulu Garu, Berhampur, dated 27th June 1920.

(*d*) *Regarding the Madras Village Panchayat Bill,* 1920.

From the Secretary, Gannavaram Taluk Ryots' Association, Mustabada, dated the 30th June 1920.

(*e*) *Regarding the Bill to amend the Madras Irrigation-Cess (Amendment) Act,* 1913.

From the Secretary, Gannavaram Taluk Ryots' Association, Mustabada, dated 30th June 1920.

(2) With reference to the undertaking given in March 1920, on a resolution moved by the Hon'ble Mr. B. V. Narasimha Ayyar, the SECRETARY laid on the table a statement* of reappropriations of sums amounting to Rs. 50,000 and over sanctioned by the Government since the 1st April 1920.

THE MADRAS ELEMENTARY EDUCATION BILL, 1920.

Addition of a member to the Select Committee.

The Hon'ble Mr. L. DAVIDSON :—" With Your Excellency's permission, I move that the name of the Hon'ble Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar be added to the Select Committee on the Madras Elementary Education Bill."

The Hon'ble the ADVOCATE-GENERAL :—" I second it."

The motion was put to vote and carried.

THE MADRAS TOWN-PLANNING BILL, 1920.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I beg to present the report of the Select Committee on the Madras Town-Planning Bill, 1920, and to move that the Bill and the report be taken into consideration at once."

The Hon'ble the ADVOCATE-GENERAL :—" I second it."

The motion was put to vote and carried.

---

* Vide Appendix III on page 1329 supra.

(Mr. Venkatapati Raju; Mr. Venkatappayya Pantulu; Sir Rajagopala Achariyar; Mr. Arumainatha Pillai; the President; Mr. Siva Rao.) [13TH JULY 1920.

Clause 1.

The Hon'ble Mr. B. VENKATAPATI RAJU :—"Your Excellency, I move to 'insert in sub-clause (1), the word 'housing' between the words 'Madras' and 'Town-Planning', so as to read as Madras Housing and Town-Planning Bill. The Madras Town-Planning Bill, this nomenclature, must have been adopted either from the Bombay Act or United Provinces Town Improvement Act; whereas, provision has to be made for housing accommodation as well as town-planning. In England they adopt the term 'Housing and Town-Planning Act.' With what purpose it is omitted, I cannot understand and therefore I think in order to include the significance and make the Act useful, I would move that the word 'Housing' be added so as to serve both the objects intended by the present Act."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"Your Excellency, I am unable to accept this amendment. This Bill is not intended to tackle the larger problem of housing. It is true we are making an exception in the case of housing the poorer and working classes. As the Hon'ble Members will know from some amendments which I propose later on, the Act is to be in the main a Town-Planning Act and I feel that it would be unwise to alter the nomenclature in such a way as to give the impression that we intend to deal comprehensively with the larger problem of housing. I oppose the amendment."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"I rise to support the amendment. Much is expected from this Act. It is expected to remove the congestion which prevails in the various municipalities of this Presidency. If at all this Act is intended to remove the difficulties, there is no use of giving from this legislature a mere skeleton which will not produce any effect at all. Your Excellency will be pleased to see that under the provisions of this Bill we have got only to do a trifling as it were, by which you will purchase plots, you will reconstitute plots, you will distribute them into various portions, so that they could be divided amongst persons who want them and nothing more is done. It is true that the Honourable Member in charge has said that we have got included in this Bill only certain clauses so that the poorer classes might be housed, but that alone would not satisfy the conditions that are now prevailing in this Presidency. Your Excellency will recognize the fact that this city is congested and there is a great hue and cry that the rent has gone very high and the people are suffering terribly."

His Excellency the PRESIDENT :—"I think this particular amendment is such a small one that I hardly think it is worth while going into so largely."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"Your Excellency, I only thought that if you are not going to give a name to this Bill by which the whole purpose would have been cleared out, there is no use of discussing the other questions. Therefore, I thought that it was a most important question that we have got to settle whether we are going to include only town-planning or housing as well. If it is decided that we are not to include housing in this Bill the rest of the amendments that have been given notice of would fall of themselves. That was why I thought it necessary to speak upon this subject."

His Excellency the PRESIDENT :—"Have you got anything more to add?"

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"I will only simply say that if this Bill does not embrace within its provisions a clause or clauses to the effect that the housing conditions also should be improved, then I submit that this Bill would be of no use. The Honourable Member in charge of the Bill has pointed out that this Bill is intended mainly as a Town-Planning Bill and not as a Housing Bill. My friend the Hon'ble Mr. Venkatapati Raju said that wherever town-planning has been taken into consideration, housing also has been included. I would submit to Your Excellency that this question is very important. Now we are going into the first stage of this Bill I think the name of the Act must be changed into the Madras Town-Planning and Housing Act."

The Hon'ble Mr. P. SIVA RAO :—"Your Excellency, I also support the amendment, just for the reason that the present title of the Bill has given rise to a misapprehension that it deals mainly and solely with the planning of towns: and relates to ornamentations only and that it does not provide for the useful object of housing. Probably some such consideration influenced the Select Committee and they inserted provisions here and there which relate to housing proposals as well. For instance in clause 4, sub-clause (*k*) one of the objects of the town-planning scheme is stated to be the housing of the poor and working classes. I also find a similar provision in clause 6, sub-clause (4) which states that a scheme of town improvement may comprise a scheme for the re-housing of persons of the poorer and working classes displaced by the execution of the scheme. The Select Committee have probably inserted this provision out of deference to the wishes of the public in the matter. Then, where is the objection to making it clear that the object of this Bill is not merely town-planning, pure and simple, but also aims, in however modest a manner, at providing houses also."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I am not a little surprised by the Hon'ble Sir P. Rajagopala Achariyar's opposition, because I expected the very word 'town-planning' itself

might imply provision for housing accommodation for the inhabitants of the town. I thought the answer would be that, but instead of that Sir P. Rajagopala Achariyar made it plain that we are not at all dealing with the provision of housing accommodation for the townsmen. I think that if we cannot have such a provision there is no use of having any Act at all. In section 31 of the United Provinces Act they have made a clear provision for the housing accommodation of all the inhabitants living in the town. In England the Town-Planning Act by its name always implies and is understood by the people there that it should provide suitable accommodation for all the inhabitants of the town. I may also quote that the primary objects of town-planning as understood in England are the provision of housing accommodation for the people in order to provide the town population with light, air and space essential to human health. Now, Your Excellency, if we do not provide at all for that purpose even the provision which we have under the old Municipal Act and also under the new Municipal Act and the way in which we are extending and improving our towns throughout all these years will be frustrated by introducing this Bill. Instead of enlarging the powers which we have all along exercised this Bill would seem to restrict them. We have to provide housing accommodation in order to see that there are no places where people are grouped together without enjoying pure air. For that purpose it seems absolutely necessary that housing accommodation should be provided in the towns. Hitherto we have been exercising it. Whenever congestion is removed we are opening blocks and selling them and therefore, Your Excellency, I earnestly submit that Government will reconsider and accept this amendment which will include in town-planning housing accommodation also for all the inhabitants of the town."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" May I point out to the Honourable Member that, assuming that we insert the word ' Housing', that is really not going to make any change unless we are going to recast the whole Bill. Unless we introduce a large number of other sections, we would not, merely by putting the word ' Housing,' advance matters. After all, the name of the Bill has to represent with some accuracy what is mainly intended to achieve by it. If the intention of the Honourable Member is that the whole problem of housing accommodation should be comprehensively dealt with along with town-planning, that is a different matter. That ought to have been suggested at an earlier stage. To suggest—after the report of the Select Committee has been received—an alteration of the nomenclature of the Bill from ' Town-Planning ' to ' Town-Planning and Housing ' and to imagine that in some mysterious way we shall not only provide housing accommodation for the poorer and working classes but for all sorts of people, seems to me to be somewhat far-fetched. I would therefore deprecate any change in the name of the Bill."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, I have moved the amendment in order to provide housing accommodation for all the inhabitants."

His Excellency the PRESIDENT :—" I quite understand what the Honourable Member means. The Honourable Member wishes to make the Town-Planning Bill, as far as he can, a Housing Bill. That is his view. The Government's view is that this should be mainly a Town-Planning Bill. The position is this. I think it is really a matter of words more than anything else. The object of town-planning is surely to produce housing but I would like Honourable Members to understand that there are various other matters with regard to housing which the Government are considering—various large schemes of housing in the city of Madras which are altogether outside this in a very important way. The main features of this Bill are to establish town-planning schemes in the various cities of the Presidency. As far as housing is concerned, Government have many schemes in their mind and are practically considering the very purpose which the Honourable Member wishes to include in this Bill and I would urge him very strongly to realize that Government do not want to put this particular matter of housing into this Bill for they are taking other important action with regard to this matter about which he is so anxious for the various classes and communities in this Presidency."

The amendment was put to vote and lost.

Clause 1 was allowed to stand part of the Bill.

Clause 2.

Before moving the next amendment to ' omit sub-clause 2 altogether ' the Hon'ble Mr. B. Venkatapati Raju said: " This refers to the important appointment of Director. Can we not discuss this along with the other question of the retention of the Director ? "

His Excellency the PRESIDENT :—" I do not quite catch what the Honourable Member says. "

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, what I mean is whether it would not be better to move the amendment to clause 2 when we discuss the question of the retention of the Director in clause 7."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" The Honourable Member wishes to postpone the present amendment till the amendment to clause 7 is disposed of."

Clause 2 was deferred to be taken up after the consideration of clause 7.

His Excellency the PRESIDENT :—" Does the Honourable Member wish to move amendment No. 3 which runs as follows :—

' In the second line of sub-clause (5), between the words ' ownership ' and ' other ' *insert* words ' or joint ownership'."

(*Mr. Venkatapati Raju ; Mr. Venkatappayya Pantulu ; Sir Rajagopala Achariyar ; Mr. Narasimha Ayyar ; the Advocate-General.*) [13TH JULY 1920.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I do not press No. 3.

" I move however the following amendment :—

In sub-clause (8) *insert* the words 'or housing scheme' between the words 'Town-Planning' and 'scheme' in both the places and thereafter throughout the Act wherever the phrase 'Town-Planning scheme' appears.

" This follows the same course as the amendment to clause 1 proposed by me. I formally move it."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I formally second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I formally oppose it."

The amendment was put to vote and lost.

Clause 3.

Clause 3 was allowed to stand part of the Bill.

Clause 4.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the Advocate-General :—

'In sub-clause (*k*) of this clause *substitute* the words 'houses for' for the word 'housing.'

In doing so he said :—" The amendment proposed is to substitute the words 'houses for' for the word 'housing' in clause (*k*) and then add a new clause 'the construction of houses for the poor and working classes.' The clause as it stands makes provision for the allotment of lands for housing. What we want is to take power for the construction of houses for the poorer and working classes if necessary. Then those houses will be given either for a price or for a small rental to the poorer classes. In order to provide for that the present amendment is brought in by the Government."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second it."

The amendment was put to vote and carried.

The following amendment which stoood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the Advocate-General :—

Insert as sub-clause (*l*) the following : '(*l*) the construction of houses for the poorer and working classes.

In doing so he said :—I move formally amendment No. 6, viz., the insertion of clause (*l*) and the consequential changes in the lettering by the introduction of this additional clause, viz. 'the construction of houses for the poorer and working classes.'

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second it."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I want to say one word here. It would be better to omit the word 'the'. 'Construction' will be better."

The Hon'ble the ADVOCATE-GENERAL :—" It is only a formal matter and I accept it."

The amendment as revised was put to vote and carried.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" In sub-clause (*k*) *insert* the word 'buildings' in the second line between the words 'squares' and 'housing'.

" I want to add the word 'buildings' because not only we have to provide and allot places for municipal, Government and other public buildings but also for employees of municipalities, local boards and Government. If the clause as it stands includes 'municipal buildings' I do not press my amendment."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 4 as amended was allowed to stand part of the Bill.

Clause 5.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

To sub-clause (2) *add* the following :—

'(*e*) to allot a plot or plots for housing the employees of the municipality, local boards and the Government.'

In doing so he said :—" Your Excellency, this clause is just to provide housing accommodation not only for poorer and labouring classes but also for the employees of municipalities, local boards and Government in certain localities, because we find there is housing famine for these officers. It may be suggested that municipal buildings and Government buildings can be built under the provisions of the previous clause which we have now passed. When houses for the employees of municipalities and local boards are built they should become not municipal property

but the property of persons who take them either on corporate system or the instalment system. Therefore I would suggest that we should have a free hand in the matter. We can provide housing for the employees of municipalities, local boards and Government who are practically contributing for the expenditure of the town-planning scheme. I would therefore suggest that we should add clause (*e*)."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second it."

The Hon'ble the ADVOCATE-GENERAL :—" Am I to understand that the Honourable Member is talking about clause (*e*) ?"

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I am only mentioning clause (*e*) first."

The Hon'ble the ADVOCATE-GENERAL :—" I oppose it and I am sure that this amendment is not in order as we have passed clause 4. Clause 4 contains the scheme. The housing of employees of municipalities, local boards and Government ought to have come under clause (*k*) of clause 4. There is the allotment or reservation of land for streets, roads, squares, housing the poorer and working classes, etc. The scheme would also make provision, as now amended, for the construction of houses for the poorer and working classes. If we are going to build for housing the employees of municipalities, local boards and Government, they would come under the category of 'Government and municipal buildings and public purposes of all kinds.' My own idea is that clause (*k*) of section 4 is sufficient and it is not necessary to insert the amendment in clause 5. In the scheme, the size and shape of every 'reconstituted plot' you will find that provision is made for the reconstitution of plots in clause 4 : 'shall be so determined as to render it, so far as may be, suitable for building purposes.' That is only as regards plots for purposes included in the scheme under clause 4. I therefore submit that the amendment is not really in order. But apart from that, on the merits, so long as those buildings come under Government and municipal buildings the amendment is unnecessary. If they do not, the amendment is beyond the scope of the Bill."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, when we are legislating, there is no use of keeping any ambiguity. The Hon'ble the Advocate-General says that it is included in clause (*k*). I am perfectly satisfied and I do not want to press my amendment."

The Hon'ble the ADVOCATE-GENERAL :—" That is my opinion and you may take it for what it is worth."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" The opinion expressed on behalf of the Government, and not individually as that of the Hon'ble Mr. K. Srinivasa Ayyangar, we take it, is the view of the Government. Whenever any proposals are made, we can quote the authority that the exponent of the Government stated like this. We can submit proposals including the provision of housing accommodation for municipalities with that object in view. It is absolutely necessary that there should be some power in the hands of the persons who administer the Act to provide for houses where necessary, and therefore it must be made clear instead of leaving it to be discussed on some other occasion."

His Excellency the PRESIDENT :—" I think the Hon'ble the Advocate-General made it perfectly clear what was intended by Government. I trust my Honourable friend will exercise his own judgment as to whether he wishes to press his amendment to a division."

The amendment was put to vote and lost.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I beg to move formally for the addition of the following to sub-clause (2) '(*f*) to provide housing accommodation generally in consideration of the needs of the area'."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second the amendment."

The Hon'ble the ADVOCATE-GENERAL :—" We have already decided on the principle that provision for housing generally should not be part of the Bill when discussing the amendment to sub-clause 2 (1)."

The amendment was put to vote and lost.

Clause 5 was allowed to stand part of the Bill.

Clause 6.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I formally propose the addition of the following at the end of sub-clause (4) : 'and otherwise providing housing accommodation generally.'

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second the amendment."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I oppose the amendment."

The amendment was put to vote and lost.

The Hon'ble Mr. P. SIVA RAO :—" I beg to move for the addition of the following to clause 6. 'Provided that no scheme of town-improvement shall be sanctioned unless the Government are satisfied that proper arrangements are made for the re-housing of the persons of poorer and working classes displaced by the execution of the scheme.' In my opinion, Your Excellency, any scheme for the removal of congestion or for the opening out of congested

(Mr. Siva Rao ; Mr. Venkatapati Raju ; Mr. Narasimha Ayyar ; Mr. Venkatappayya Pantulu ; the Advocate-General.) [13TH JULY 1920.

areas must go hand in hand with the scheme for re-housing persons who have been evicted by the scheme. What has happened hitherto is that the houses are pulled down and demolished congestion is removed but it does not prevent overcrowding of the people who have been living in that part of the locality in the other parts of the town. If one house is demolished, other houses in the place become overcrowded. I want that it should be made a condition precedent that before sanctioning a scheme for the removal of congestion, a distinct provision should be made for the re-housing of those evicted in the course of the scheme. Otherwise, the whole object of the scheme will be defeated and there would be no object in spending lakhs and lakhs for the removal of congestion, and demolition of houses, formation of streets and so forth, unless the people are shown some accommodation elsewhere. I think the principle which should be borne in mind is plain from these words that occur at the end of sub-clause (4), viz., that it also provides for the re-housing of persons of the poorer and working classes displaced by the execution of the scheme. I only want that it should be made a condition precedent to the grant of sanction by the Government."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"Your Excellency, in seconding this amendment, I only wish to say that this is in accordance with the rules issued by the Government in connexion with the town planning scheme, because whenever a scheme is suggested, we have to show how we provide for the evicted persons. Without that provision, the Government have not approved of any scheme hitherto, and I do not think there will be any difficulty in accepting this amendment. That is practically the rule that you are now observing, and therefore there is absolutely no difficulty in accepting the amendment."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Your Excellency, I wish to point out that the amendment as mentioned by the seconder of the amendment states in express language the principle of i.e., what was intended to be embodied in, the last portion of clause 4. Clause 4 says that 'a scheme for town improvement means for the purpose of this section a scheme for the improvement of the municipalities, etc., and for the re-housing of persons.' Therefore the real idea of clause 4 is that we should not eject the poor working people under a town improvement scheme without providing houses. I do not know, however, whether the declaration of this principle may properly be introduced as a proviso. This ought to be added as a separate clause, viz., that no improvement scheme shall be sanctioned unless the Government are satisfied that provision is made for the evicted. On the subject matter of this amendment, there is no possible difference of opinion."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"The idea is to make it a condition precedent to the sanctioning of the scheme. No doubt it is laid down that the poorer classes displaced by the scheme should be provided accommodation. But it is not made essential according to the provisions of this clause, that provision should be made for the persons who have been displaced by reason of the houses being dismantled. This is a very wholesome provision. There are certain places where though some new schemes are adopted, congestion is allowed to stand as it is. The object being to remove congestion, it is but reasonable that persons displaced should be provided elsewhere. I do not think there can be any objection to accept this amendment."

The Hon'ble the ADVOCATE-GENERAL :—"May I suggest to the Honourable Member that there is one difficulty in regard to this matter. I do not think anybody objects to the principle. So far as I have ascertained the Government is as anxious as the Honourable non-official members that before a municipality undertakes a scheme for the removal of congestion they must see that the persons who are made houseless are provided elsewhere with suitable buildings. Power is taken under the scheme to make provision for all these matters. It is not a new power which is conferred upon any district municipality or city municipality to make an improvement scheme. Provison is made under their Acts, the District Municipalities Act or the Madras City Municipal Act, to undertake these schemes. The object of introducing the provision for sanction in this clause is that if they do undertake an improvement scheme, this clause would enable them to pay less compensation than otherwise they would have to do in the case of acquisition of lands for the housing of the poor. The main idea, therefore, is to lessen the liability of the municipality when they undertake a town improvement scheme and to diminish the amount of compensation when they have to pay. It is a proviso to the section; it is not the section which authorizes them to undertake town improvement scheme. That is assumed this power is under the Municipal Acts. It would not be a proper proviso to be introduced under this clause. Notwithstanding this proviso, if for instance a municipality says 'we are going to have a town improvement scheme; if the Governor in Council does not choose to sanction it, so as to enable us to pay less compensation, still we will go on,' they can do so only they will have to pay more money. That I want to point out to Honourable Members."

The Hon'ble Mr. P. SIVA RAO :—"I regret very much I am not convinced as to the position taken up by the Hon'ble the Advocate-General. It is a new power given under section 6. Section 4 deals with town-planning and section 6 with town improvement schemes. It is certainly a power given under this new Act and if this new machinery is put into action as the Advocate-General observed one need not resort to the provisions of the Land Acquisition Act, which contains elaborate provisions as to the award of compensation.

"The Hon'ble the Advocate-General says that he approves of the principle for which I have been contending. The principle, he says, is a sound one. He concedes that before any scheme for the removal of congestion is taken up for sanction, the Government would do well to satisfy themselves whether proper housing arrangements have been made at all. Otherwise the whole object of the scheme will be defeated. There will be no use in spending or wasting away money if we do not prevent overcrowding. The only difficulty is a technical one. I do not see any difficulty in adding a new clause at the end of this. Let there be something for the guidance of Government. Where is the harm in introducing that by an express provision so that the municipal council when they propose a town improvement scheme may pay particular attention to this aspect also ? It will only be for the guidance of the municipal council and it will be borne in mind also by the Government. I again press this amendment for the consideration of Government."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I do fear that this particular provision is not appropriate in this place. It is not that there is any difference of opinion in the matter. We all agree that, before the poorer and working classes are ejected from their houses, other houses should be made ready for them ; also that in the past want of attention to this principle has aggravated the evils of congestion in many places. But if you want to put in such a provision as law, you greatly reduce the discretion of the Government and of the municipal council, which it should be our policy to avoid. My point is that, while this is undoubtedly good policy, if not a counsel of perfection, it is not exactly what should be put in as a legislative provision. It may be difficult to work it rigidly in practice. If we say that the validity of a scheme depends upon the condition that adequate arrangements have been made for housing the poorer and working classes, that is just the kind of provision which may lead to obstruction and its operation may lead to difficulty. That is why I oppose the amendment and, as the Advocate-General has pointed out, it will probably do more harm than good. It is not that we do not agree with the principle of it, which will be borne in mind always. But our opposition is confined to the suggestion to put it in as law in this particular place in the Act."

The Hon'ble Mr. P. SIVA RAO :—" One word, Your Excellency. If that is not the appropriate place I would suggest that it may be added under clause 14 which is the clause which deals with the sanction of schemes by the Local Government."

The amendment was put to vote and lost.

Clause 6 was allowed to stand part of the Bill.

Clause 7.

The following amendment stood in the name of the Hon'ble Mr. P. Siva Rao :—

In sub-clause (3) *add* after 'in such manner as may be prescribed' the following words :—

'Provided the opinion of the Director shall not be binding on the Council' and also *delete* the last sentence beginning with 'If any difference arises, etc.', from the same sub-clause.

The Hon'ble Mr. P. SIVA RAO :—" I do not propose to move this amendment as I consider it unnecessary."

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

Omit the whole wording of the clause altogether and *substitute* the following :—

'(1) The Local Government may instruct the Government Architect or employ an Architect specially qualified to give advice to the municipal councils with respect to any scheme prepared under the Act.

'(2) Municipal councils shall consult the Architect with reference to every scheme costing Rs. 5,000 or more and enclose his opinion with the scheme when forwarding it for the approval of the Local Government.'

In doing so, he said :—" Clause 7 was newly introduced in the Select Committee and it was one of the most important and controversial matters which were not at all present in the original Bill as placed before the Council. This matter requires a clear conception. No other Act either in India or England has provided for such an appointment. Neither in United Provinces nor in Bombay they wanted to rely on the Director's assistance. Why should we want a Director here ? We have a Sanitary Commissioner with assistants, we have a Sanitary Engineer with assistants and necessarily we have an Architect to suggest new schemes. Not satisfied with these officers why should we go in for a new office which does not import any particular knowledge either engineering, sanitary or architectural skill. Therefore it is my humble submission that Government are unnecessarily wasting people's money whether it is provided from Provincial funds or otherwise. It is simply a useless addition and useless expenditure and that is the reason why other Governments have not adopted it. That is the reason why it was not originally suggested in the Bill. The only reason that I can think of for the creation of this office is that there should be an officer who could understand and co-ordinate all the powers so that he could have a clear idea of the financial difficulties of municipalities and the necessity for the various schemes. For that purpose I do not think a separate appointment of Director is necessary. So far as the local self-government is concerned we will have a Minister who will exercise all the powers which a Director is intended to exercise under this Bill with the assistance of the Sanitary Engineer, Sanitary Commissioner and the Architect.

(Mr. Venkatapati Raju ; Mr. Venkatappayya Pantulu ; Mr. Ramanuja Achariyar ; Sir Tyagaraya Chetti ; Mr. Namberumal Chetti ; Mr. Ramachandra Ayyar ; the Surgeon-General.) [13TH JULY 1920.

That is why I have suggested in this amendment that as we have already a Consulting Architect we might consult him, when necessary, and that if the time of the Government Architect cannot be spared for the purpose, the Government can employ an Architect specially qualified to give advice on the subject to municipal councils with reference to any scheme prepared under the Act. When the councils could well be satisfied with the taking the advice of the Sanitary Commissioner, Engineer and Architect, why should we be burdened with additional tax for paying a highly salaried officer and waste public money ? Therefore I earnestly appeal to the Government that they will reconsider the matter."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" Your Excellency, I second the amendment proposed by the Hon'ble Mr. B. Venkatapati Raju and in doing so I wish to state that the permanent appointment of a Director of Town-Planning is altogether unnecessary because there may be schemes and schemes of town-planning, but all of them may not require a Director of Town-Planning to give advice. It may be that there are certain elaborate schemes which may require an expert to advise. When such consultation is needed, an expert may be appointed. But to have a permanent appointment of a Director of Town-Planning would mean a constant source of expenditure which at this stage of our finance we are not prepared to incur. The policy has been to reduce appointments if possible and I believe a policy of retrenchment has been adopted by the Government. A special officer has been appointed to minimize the work of various departments and see whether we can cut down expenditure. Therefore under the circumstances the appointment of a Director of Town-Planning carrying a high salary would be undesirable. And after all the Director of Town-Planning to be employed will, it seems, have no special knowledge in the matter of town-planning as there is nothing in the Act to show that he should have any special knowledge. Again such special knowledge as may be required will be available from the Government Architect and his assistance may be secured whenever any scheme particularly requires it. With these few words I second the amendment."

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—" I beg to oppose the amendment. We have got about 60 or 70 municipal councils, and if this Act is to do any good, considerable pressure will have to be brought to bear upon these councils, and we want an officer whose duties will be town-planning. The amendment proposes to have the Government Architect or any other Architect for consultation by municipal councils. Whether we call him an Architect or a Director of Town-Planning, we want a special person to put pressure upon these municipal councils. My knowledge of municipal councils and local boards shows that some amount of pressure should be brought to bear upon them in order that they may do their work properly."

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI :—" Your Excellency, I am inclined to oppose this amendment. It looks to me that it is not possible for the Commissioner of the Corporation to be able to do this additional work with the work he has already in his hands. It looks to me also that in the way the Hon'ble Mr. V. K. Ramanuja Achariyar said some kind of external pressure is absolutely necessary for doing things of the kind now proposed in the Town-Planning Bill. Perhaps I think under these conditions I am not aware of the mufassal municipalities, and so I cannot say anything about them, but as far as the Madras Corporation is concerned, I think it is absolutely necessary that there should be an independent officer to attend to this. Therefore I think the opposition that is now brought forward is not reasonable."

The Hon'ble Rao Bahadur T. NAMBERUMAL CHETTI Garu :—" This matter was well discussed at the meetings of the Select Committee. The Secretary pointed out that various schemes were hung up for want of a special officer to push them through. It was then decided that a Director was necessary to draft schemes and otherwise help local bodies in regard to town-planning."

The Hon'ble Mr. T. R. RAMACHANDRA AYYAR :—" It seems to me that there is very little necessity for adding to the number of directors we have. What is required is a medical officer of health. If such a person can be had he would be a person competent to advise. Probably the Director who may be appointed may be an experienced civilian but he may not have special knowledge. The object is to have a person who will be competent to advise on a matter like this and as regards the city municipality there is a health officer, and I do not think there is any necessity here. In the mufassal there is necessity. If there is a guarantee that the Director will be a medical officer of health, a specialist, then certainly it is meeting a real demand. The appointment of a Director is harmful because a lot of money has to be paid for the work without any adequate gain. It will certainly be advisable to have a medical officer of health as a substitute."

The Hon'ble the SURGEON-GENERAL :—" I would not go so far as some Honourable Members do in saying that pressure should be brought on municipalities. I think it is quite sufficient if they have advice of technical men in the matter. I may tell the Honourable Members that the Sanitary Commissioner and medical officers cannot do this. They do know enough about it and if you leave it to them the whole Bill will fall to pieces."

13TH JULY 1920.] *(Mr. Narasimha Ayyar ; Sir Rajagopala Achariyar.)*

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" In this matter I find there is a lot of complexity. There are some Honourable Members who think that the Director of Town-Planning will be an expert, and that the Government would find some expert for the place. There are those who are under the impression that the Director of Town-Planning is not going to be an expert and he may be a layman. The main reason for opposing the creation of a Director is that there is nothing definite in the Act itself as to what the functions of the Director are. If he is going to be an expert I do not think we would object to expert advice. If he is going to be a layman it is necessary to know whether such a person is necessary. As for the impression which the Hon'ble Sir P. Tyagaraya Chetti had that the Commissioner would be asked to do the work, I do not think it is accurate. I believe in case there is a town-planning expert for the whole Presidency, that man's advice would be valuable. Some persons say that a medical officer of health may be asked to do this. If a Director of Town-Planning is appointed for the whole Presidency the Sanitary Commissioner and the Surgeon-General will render the necessary help in regard to sanitation and medical matters. Under these circumstances it will be better that Government should say what exactly the Director has to do before the Council can vote on the Act."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I fear there has been some amount of confusion in this matter and I would, with the permission of the Council, invite attention to the wording of this particular clause which is being criticised. It says that the local Government *may* appoint a person to be Director of Town-Planning for the Province and *may* assign to him from time to time such salary and establishment as they think fit. It is not stated what kind of man should be appointed or what pay should be given him. It has been suggested that a man with a large pay should not be appointed. The Bill only says that the Local Government may appoint a person and may assign to him such salary and establishment as they think fit. The cost of the officer and his establishment shall be paid out of the revenues of the Local Government and he will not be a charge upon the municipal council. He is provided by the general taxpayer to help municipal councils in their work but he will not be a charge upon the local bodies concerned. And then municipal councils shall consult the Director on such matters relating to town-planning and in such manner as may be prescribed. The Hon'ble Mr. Narasimha Ayyar wants to know what rules exactly we are going to lay down in regard to this matter. It is an invitation which I confess I am not inclined to accept just now.

" There is absolutely no reason for me to say just now, however approximately or roughly, what are going to be the functions of this Director whom we may appoint at a future date. It would be well if Honourable Members would recognise that in the past there has been a considerable amount of bungling in regard to town-planning on account of the want of a co-ordinating and controlling officer. Numerous instances have come to my own notice and, as the Hon'ble Mr. Namberumal Chetti has pointed out, these instances were brought to the notice of the Select Committee whose members, with the single exception of my Hon'ble friend Mr. Narasimha Ayyar, drew the conclusion that such an officer for such a purpose was necessary. One Hon'ble Member, the Hon'ble Mr. Venkatapati Raju, has asked how is it that this officer who has not been found in the original Bill was brought in by the Select Committee ? I have to answer that the officer was put in because the information placed before the Select Committee could only lead to one conclusion, viz., that unless we put in an officer of that kind, this work is bound to suffer. Apparently the Hon'ble Mr. B. Venkapati Raju is not so much concerned with the appointment of an officer by the Government as with the name by which he shall be known. He has no objection to an officer being appointed and given all those powers. I may mention incidentally that it is very unlikely that any town-planning scheme will cost less than Rs. 5,000. The Honourable Member accepts the position that this officer should be consulted by local bodies, but he objects to the man being called a town-planning officer. He prefers apparently that the officer should be called a Government Architect, whatever that may mean. I do not quite understand how this controlling officer, who is objectionable if he is called a town-planning officer, ceases to be that and becomes a *persona grata* the moment he is called by the name of Government Architect. May I suggest to Honourable Members that we need not take all this trouble to quarrel over names ? After all, that should be a subsidiary matter. The question is, do you or do you not want a co-ordinating and controlling officer, an officer who will not only stimulate municipal councils to activity (as mentioned by the Hon'ble Mr. V. K. Ramanuja Achariyar) but who will offer useful advice, go about from place to place, carry information and experience with him, and tell the municipal council of a place that such and such a course has brought certain evil results elsewhere and he would therefore advise them not to do it. I know several instances in which municipalities would have been glad to have had advice, they should have had it, and for the money we have already spent on town-planning we could have had more satisfactory results if we had from the outset recognised that this is a somewhat technical matter requiring a capable officer to guide it. There is no need for us to talk in this Council as to what kind of officer should be appointed and as to what remuneration should be paid him. We are here to safeguard local bodies and we have to see that the expenditure on this controlling officer shall not be a charge upon any local body, that it shall be borne by the Provincial Government. It seems to me, Your Excellency, that several misunderstandings in the past which have arisen between the Government and local bodies could have been avoided if we had an officer like this. Unless we have an officer like this to collect experience and improve our methods, how can the success or failure of this or that scheme be examined and the

causes ascertained and made common property? How is that to be done unless we have an officer to co-ordinate town-planning activities all over the Province? And as for check in the Secretariat, such a check in the absence of an officer who is in a position to advise the Government, is bound to be more or less a paper check, which cannot be effective. It is for all these reasons that we have provided for this officer, and I think the Council would be well-advised to maintain this provision which I consider vital to the success of this measure."

The Hon'ble Mr. P. SIVA RAO:—"Your Excellency, I am strongly in support of the amendment moved by the Hon'ble Mr. Venkatapati Raju. I was anxious to hear from the Honourable Member in charge something said about the functions of the officer contemplated under the Bill. He said that it was rather premature to think of defining all the functions of this officer. And then I waited to see what would be the qualifications of this officer. If as the Hon'ble the Surgeon-General pointed out we are going to have an expert on sanitary matters, I would be the foremost man to welcome him. He is called a 'Director of Town-Planning'. He is not called an expert. Evidently an expert is not contemplated under the Bill. An administrative officer is what is proposed. Is he going to be something like Professor Geddes or Professor Lancaster or a gentleman who knows the business in the position of a Government Architect? I remember when this Bill was introduced I was myself for the appointment of a town-planning expert. What is contemplated under the present Bill is not a town-planning expert who can give us skilled advice as to how to plan a town and prescribe the style of building. That is not what is contemplated. What is really contemplated is explained in the report of the Select Committee. They want obviously an intermediary who will be the channel of communication between the local bodies and the Government. That is one object for which the Bill provides for this officer. Do we really want an additional channel of communication between the local bodies and the Government? We do not require it in my opinion. There is the local body and all its proposals will be submitted through the Collector and there is the District Medical and Sanitary Officer, or Health Officer if there is a sanitary scheme, or we have got our Local and Municipal Secretary and what is the need for another departmental officer. If such an officer is contemplated, I strongly oppose the principle. The officer may be a Civilian officer who may not know much about town-planning. And then one of the duties of this officer was stated by the Hon'ble Mr. Ramanuja Achariyar to be, to whip the local bodies into action. He has got the unfortunate impression that they are lethargic, and that they do not rouse from their slumbers.

"That was the reason on which the Honourable Member in charge justified this appointment. One of the members of the Select Committee, the Hon'ble Mr. T. Namberumal Chetti, said that many town-planning schemes had been hung up on account of the inaction of the local bodies but I do not know for what reasons. Probably want of funds was responsible for it. It may not be due to the inaction or laziness of the local bodies. But that is hardly an adequate reason for creating another departmental officer, a supervising officer over the heads of the local bodies. Your Excellency, this appointment has no parallel elsewhere. The Secretary of the Local and Municipal Department will do this business. As pointed out by the Honourable mover, neither in the English Act nor in the United Provinces Act is the appointment of such an officer provided. As observed by the Hon'ble the Surgeon-General what we need in such cases is skilled advice. We should get it but not on the financial aspect of the matter nor on the administrative aspect of it but on the scientific and artistic aspect of the same. If we want some such advice the Government Architect will do or some real town-planning expert, like Professor Geddes for whom I have no objection. For these reasons I should certainly support the amendment. I am opposed to the appointment of an administrative officer of the type proposed."

The Hon'ble Mr. T. ARUMAINATHA PILLAI:—"I rise to support the amendment moved by my friend. It was suggested in opposing the amendment that the municipalities would be very slow in taking advantage of this Act and postpone all the schemes which would be necessary for the improvement of the town. The Honourable Member in charge puts forth that the appointment of Director of Town-Planning would be necessary. My answer is that under clauses 8 and 9 and the following clauses, we make it compulsory upon municipalities with a population of 40,000 and over to proceed with town-planning schemes and further we give power to the Government, wherever any municipality which is bound under this Act to provide a town-planning scheme, or where any municipality which is called upon by the Government to provide a town-planning scheme fails to do so, under clause 42 of this Bill, to appoint an officer if necessary to carry out what the municipalities ought to do. Under these circumstances I submit, Your Excellency, that the appointment of a special officer for the purpose of co-ordination, as it is said, without exactly defining his powers, is unnecessary. My only submission is that it is not quite essential, and Your Excellency will be pleased to see that if we are going to take very big schemes in hand and carry out town-improvement or town-planning, we are providing a separate chapter for the creation of a town-planning trust. The duty will be entrusted to a board, and the chairman of the board will be an officer appointed by the Government. Such an officer wherever necessary, the Government has the power to appoint and he shall be or he may be at the discretion of the Government an expert or not, as the occasion requires. Therefore putting the Trust on the one side and the Director of Town-Planning on the other, one does not see any reason why both these officers should exist at

the same time. At the head of the Trust there is an officer appointed by the Government who is to carry on the Town-Improvement Trust not only in the City of Madras but throughout the Presidency, and then we have got a Director of Town-Planning as is provided for in this Bill. If we are going to have the Town-Improvement Trust, may I know what would be the necessity for the Director of Town-Planning? Surely it would not be possible for the Director alone to do all that would be necessary and that is why it was thought essential when the Bill went through the Select Committee stage to have a Town-Improvement Trust as well. With the Town-Improvement Trust, we thought that the Director of Town-Planning would go out of the Bill *ipso facto*. Then again I would submit, Your Excellency, that the Honourable Member in charge referring to the word 'may' in clause 7 said that after all Government may not take into its head to appoint anybody now and that it is not compulsory on the part of Government to appoint a highly-paid officer and he suggested that there was no fear. May I suggest that the contrary thing also might happen. 'May' may mean a man on a small salary or may also mean a very big official on a high salary if the official is necessary. It is not a question of expenditure: expenditure must be undertaken but my only fear is this: when we have got a Town-Improvement Trust to undertake very big schemes in case of municipalities with a population of 40,000 or more, when we have got that Trust, I do not see any necessity for this sort of Director. It would only be saddling the Provincial revenues. Another reason urged by the Honourable Member in charge was that after all, the municipalities are not going to pay for the appointment of this man, but that the Government is going to bear the cost. I do not know whether that argument is tenable on any ground. After all the people have got to pay and it is the ratepayers' money which is to be spent. When there is no necessity, as I have submitted, for the existence of a Director along with the Town-Improvement Trust I would submit that it would be fair in the interests of everybody that this Director is left out."

The Hon'ble Mr. B. VENKATAPATI RAJU:—"Your Excellency, in spite of the Hon'ble Sir P. Rajagopala Achariyar's reply to my resolution, I press my amendment. The Member of Government says 'we may appoint or we may not appoint.' If the Government have not made up their minds whether it is necessary to provide for such an appointment, or not then why bother us? If the Government do not as yet see the necessity for the appointment, there will be time to consider the question though not now. We know perfectly well that the Government will appoint a person if provision is made, because that would facilitate work. With that object in view they would take the earliest opportunity of appointing him but my submission is that we do not want any and every person to be appointed at the expense of the taxpayer. What we want is some person whose services may be utilized for our advantage. As suggested by the Hon'ble the Surgeon-General Mr. Giffard, a health officer might be appointed to look after the proper sanitation of the town, etc., and as another gentleman has suggested, we can have an architect for improving the beauty of the town or for other similar purposes. The Hon'ble Sir P. Rajagopala Achariyar asked me 'what is an architect'? And we know what the Government Consulting Architect is, and we know that under the English Act, an architect is employed in England to advise municipalities or councils and suggest to them the best manner of spending money.

"The Hon'ble Sir P. Rajagopala Achariyar said, I am in favour of creating an officer but I only complained of the name. As the vernacular proverb goes, even if an idol is named mother-in-law it wants to exercise power over the daughter-in-law. What we want is a consultative officer; we do not want a man to sit over us. The name itself says 'Director'. For that department, he is the supreme head and whatever he does, whether reasonable or unreasonable, that must be obeyed by all and every time there is the prompt support from Government whatever that gentleman advises.

"But apart from that, some of our friends who have opposed me, suggest 'don't you want an expert?' Certainly. But that is not what the Government wants to do."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"How does the Honourable Member know that the Government does not want to put in an expert?"

The Hon'ble Mr. B. VENKATAPATI RAJU:—"Because an Architect must have got sufficient qualifications to advise. The Government have omitted that qualification, that the Director should be a qualified man, whereas the English Act from which we have copied, provides that he must be a qualified man and in a position to advise. Therefore, I can reasonably conclude that they do not want the qualification as a condition precedent. I do not mean that the Government wants to appoint a useless man. In every respect he may be a useful man. He may not be an expert and we do not want that public money should be wasted on this purpose. Now, if the Government wants to appoint an expert, that is a different matter. But then it requires some other modification in the definition who the Director should be. But here we do not want any such thing. Therefore, Your Excellency, I do not labour this point. I do not find a parallel anywhere else for this new appointment. We have already enough apointments, and we can be satisfied with less, so that we can get on well.

The amendment was then put to vote and lost.

The Hon'ble Mr. B. VENKATAPATI RAJU:—"I call for a division."

(Mr. Venkatapati Raju.) [13TH JULY 1920.

A poll was taken with the following result :—

For

The Hon'ble Mr. T. Arumainatha Pillai.
" Mr. K. Venkatapayya Pantulu.
" Mr. P. Siva Rao.
" Mr. B. Venkatapati Raju.
" Mr. C. V. S. Narasimha Raju.
" Mr. T. R. Ramachandra Ayyar.
" Mr. B. V. Narasimha Ayyar.

Against

The Hon'ble the Advocate-General.
" Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E.
" Mr. L. Davidson, C.S.I.
" Mr. C. G. Todhunter, C.S.I.
" Mr. R. Littlehailes.
" Mr. A. Y. G. Campbell, C.I.E.
" Mr. R. A. Graham.
" the Surgeon-General.
" Rao Bahadur V. K. Ramanuja Achariyar Avargal.
" Diwan Bahadur L. D. Swamikannu Pillai Avargal, I.S.O.
" Mr. T. Richmond.
" Mr. M. C. Raja.
" Mr M. D. Devadoss.
" Rao Sahib M. C. Muthiah Chettiyar Avargal.
" Rao Bahadur T. Namberumal Chettiyar Avargal.
" Mr. W. Vijayaraghava Mudaliyar.
" Rao Bahadur T. Balaji Rao Nayudu Garu.
" the Raja of Pithapuram.
" the Raja of Ramnad.
" the Zamindar of Parlakimedi.
" Diwan Bahadur Sir P. Tyagaraya Chetti Garu.
" Rao Bahadur N. Subba Rao Avargal.
" Rai Bahadur T. N. Sivagnanam Pillai Avargal.
" Mr. J. H. Thonger.
" Mr. E. S. Lloyd.
" Mr. H. H. G. Mitchell, O.B.E.
" Khan Bahadur Muhammad Usman Sahib Bahadur.
" Mr. W. J. J. Howley, C.S.I.

The amendment was lost, 7 voting for and 28 against.

Clause 7 was allowed to stand part of the Bill.

Clause 2.

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I formally press the following amendment :—

Omit sub-clause (2) altogether.

The amendment was put to vote and lost.

Clause 2 was allowed to stand part of the Bill.

Clause 8.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

'*Omit* the lines 2, 3, 4, 5 and 6 beginning with 'containing' and ending with 'date' and *substitute* in its place 'shall within six months after the passing of this Act and thereafter as often as occasion arises or within three months after notice has been given by the Local Government or within such time as the Local Government allows' before the word 'prepare' in the sixth line.'

In doing so, he said :—" Your Excellency, the provision as it finds in the Bill is this. 'The council of every municipality containing on the 1st day of January 1922 a population, according to the last preceding census, of not less than 40,000 shall, not later than five years after that date, prepare, print and submit to the Local Government'. That is, the Government suggests a period of five years to be given for a municipality in order to prepare a scheme. I want to hasten the work and therefore I adopt the phraseology of England, where they suggest only three months' time and extending the time so that from the time of passing the Act they may be at it and they may submit a report without waiting for five years. Of course nobody says it is necessary for them to keep it. If we take five years before we can send up a scheme then it would be delayed. Therefore I suggest, instead of that, the period shall be six months after the passing of this Act, whereas in England it is stated three months, and thereafter as often as occasion arises, or within three months of notice given by the Local Government. So that from the beginning it may be done. There may be municipalities

13TH JULY 1920.] *Mr. Venkatapati Raju ; Mr. Venkatappayya Pantulu ; Mr. Narasimha Ayyar ; Mr. Siva Rao ; Sir Rajagopala Achariyar.)*

which are ready to submit schemes. I bring to the notice of Government, that Government have already sanctioned certain schemes, and money has already been partly spent but they have been delayed on account of this Town-Planning Bill. It was stated that unless this was passed, they cannot be undertaken. If the time given is five years, I am afraid the work will not be carried out expeditiously. Under the circumstances it is better to have the schemes as early as possible after the Act is passed, so that we can have the full benefit of the Act at an early date. With that object in view I suggest the amendment.

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second the amendment."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Your Excellency, I have some doubts in this matter, and I would like to hear what the Hon'ble Mr. Venkatapati Raju says in the matter. He seems to be under the impression that in some cases the work will be done within six months, in other cases the time would have to be extended and as it runs 'shall within six months after the passing of this Act and thereafter as often as occasion arises or within three months after notice has been given by the Local Government or within such time as the Local Government allows.' No doubt these expressions are taken from the English Act but they very ill apply to the provisions of our Bill. We have put in a clause where the Director is allowed to extend time and fixed the outer limit of 11 months. I am afraid that this does not exactly fit in our Bill though it is taken from the English Act and our present Bill provides for hurrying up some schemes within six months, but as we have already agreed to the appointment of somebody who will direct the municipalities, I do not think there is any use of accepting the amendment. I do not know whether the Hon'ble Mr. Venkatapati Raju wishes to press his amendment."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"If the Member in charge approves, I do not wish to press it."

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble Mr. P. SIVA RAO :—"I beg to move for substituting the following for clause 8 :—

'Any municipality with a population of 10,000 or more may prepare, print and submit to the Local Government for their sanction a scheme or schemes as respects all lands within the municipality or in its vicinity in respect of which a town-planning scheme may be made under this Act.'

"The amendment proposed seeks to restore the original provision in the draft Bill. The original Bill provided purely permissive powers. The reason for the change is mentioned in the report of the Select Committee when they speak of clause 8, that this section is modelled on the recent amending English Act which marked an important departure in English town-planning policy. This compulsory provision has been borrowed from the latest English Act of 1919. Before the stage of Select Committee, it was a purely permissive measure, as I observed in the beginning, 'that any municipality with a population of 10,000 or more may prepare and submit to the Local Government.' My chief difficulty is this, Your Excellency : when we once enforce these measures upon the Council, we must also make sure that they have got finances enough to undertake such far-reaching and expensive measures. So far as I can see, there is no provision in the present Bill, for Government guaranteeing the financial success of these schemes. When we make these schemes compulsory on local bodies, we do not try to improve their resources. We do not attempt to serve their financial difficulties. I would simply submit therefore that local bodies cannot afford to undertake these schemes. My submission is that for the present we should stop with the permissive nature of the provision. It so often happens, as Your Excellency is aware, that the resources of these local bodies are pitifully unequal to even the normal standards of expenditure. We should make it purely optional for the local bodies to undertake all these schemes. If we enforce these things compulsorily upon local bodies, in all fairness we must assure them that the Government will bear the cost of these schemes. For these reasons I move the amendment."

The Hon'ble Mr. B VENKATAPATI RAJU :—"I second the amendment moved by the Hon'ble Mr. Siva Rao. Under the English Act Section 46, councils containing a population according to the last Census of more than 20,000 shall within three years prepare and submit to the Local Government a town-planning scheme. Mr. Siva Rao suggestes a population of 10,000."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"Your Excellency, the reasons for clause 8 are fully given in the report of the Select Committee, paragraph 10, where it is pointed out that in England urban areas having a population of more than 20,000 *shall* prepare a town-planning scheme within three years. We are laying down that this obligation shall apply only to municipalities having a population of not less than 40,000 and the period of time is given as five years. The Hon'ble Mr. Siva Rao wants to remove all obligation. What I wish to say is that in the case of the comparatively large municipalities, there is no reason why a statutory obligation should not be laid on them. This is proposed in the interests of the people generally and I remember, when this matter was discussed at considerable length in the Select Committee, we were unanimously in favour of the view that, unless some amount of coercion is

provided, municipalities would not move in the matter, and I think that that view of the Select Committee is correct. I would, therefore, oppose the change proposed by the Honourable Member."

The Hon'ble Mr. P. SIVA RAO :—"In reply, I may state, that when the Bill provides for compulsion, in fairness it ought to provide some means of financing schemes. As I told at the outset there are many municipalities which cannot undertake the execution of these schemes for want of money. Money is the chief consideration. The municipal bodies have to consult their own finances. They may or may not be able to undertake these schemes. When you make it compulsory on the part of municipalities to undertake these expensive schemes, and when they have not got the finances, the Government does not promise to undertake any liability; the Government does not pledge themselves to contribute a fixed sum towards the financing of these schemes. It is left to their sweet will and pleasure. But in all fairness, when compulsion is imposed on them, the Government must see that they are able to finance such schemes. Their resources are yet to be improved. I do not know when local finances will be improved, and till then there is no use of compelling local bodies to take up these schemes."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I have only to point out, Your Excellency, that the question of finance does not arise in clause 8, nor does the Honourable Member propose any amendment in clause 8 with reference to finance. The question of finance is irrelevant either from my point of view, or from the Honourable Member's point of view, or with reference to clause 8."

he Hon'ble Mr. P. SIVA RAO :—"I should like to say a word of personal explanation. I brought in the question of finance for the reason that when you introduce compulsion, you must consider whether the local bodies are able to carry out these schemes or not, and when they are not able financially to cope with these schemes, what is the use of introducing compulsion?"

The amendment was put to vote and lost.

Clause 8 was allowed to stand part of the Bill.

Clauses 9 and 10.

Clauses 9 and 10 were allowed to stand part of the Bill.

Clause 11.

The Hon'ble Mr. VENKATAPATI RAJU :—"I beg to move the following amendment :—'In sub-clause (1), *substitute* the words 'Local Government' in the place of the word 'Director' in the sixth line."

"Your Excellency, under clause 7 which we have already passed, 'Municipal councils shall consult the Director on such matters relating to town-planning, and in such manner, as may be prescribed. If any difference arises between the Director and a council on any matter so prescribed, it shall be referred to the Local Government whose decision shall be final.' Therefore what is intended to be conveyed by clause 7 is that the Director can accept or reject and both the Director and the council can represent the matter to the Local Government which is the final authority in the matter. But here, the section, though not directly but indirectly conveys the idea that the Director is the master of the council and, to avoid such expression, I want to substitute the words 'the Local Government' in the place of the word 'Director.' Why should the Director be placed as though he is the authority over the councils? To avoid any such misapprehension, I sugggest the substitution of the words 'the Local Government' for the words 'the Director.'"

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—Some time ago the Honourable Member made the complaint that we did not say what the functions of the Director were. We now come to one of the functions and at once the objection is raised that we are giving the Director too much power. Really this is a small matter. If it is the wish of Honourable Members that the Government should have the power, then by all means let it be so. It will only mean some delay. If the Director could give an extension of time, I really fail to see why the matter should come up to the Government at all. Several members of the Select Committee are here. They must be in a position to say what they wish to be done."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I am thankful to Sir Rajagopala Achariyar for showing these small mercies. What I apprehend is that it should not be made the thin end of the wedge to make the Director the master of the municipalities."

His Excellency the PRESIDENT :—"The Honourable Member will remember that in clause 7, sub-clause 3, there is a right of appeal against the Director. That safeguards absolutely the position of the municipal council. He is not going to become the master of the situation."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"May I ask whether it is the understood intention that in this matter there is an appeal to Government?"

13TH JULY 1920.] (*Sir Rajagopala Achariyar ; Mr. Siva Rao ; Mr. Venkatappayya Pantulu ; Mr. Arumainatha Pillai ; Mr. Ramanuja Achariyar.*)

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" To save further trouble, I would accept the amendment."

The amendmet was put to vote and carried.

Clause 11 as amended was allowed to stand part of the Bill."

Clause 12.

The Hon'ble Mr. P. SIVA RAO :—" When moving the last amendment with regard to clause 8 I explained the situation. Clause 12 lays down that the Local Government may in any case whether the population is 2,000 or 3,000, dictate require or compel a council to submit a scheme whether its finances permit or not ; and the clause does not make any provision for financing the scheme out of Provincial funds. That is my reason for omitting this clause altogether. There is already clause 8 sufficient for the purpose if the population is 40,000 or more. Then of necessity the municipality has to submit a scheme. But I don't see any necessity for clause 12, especially when we have already clause 8."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second the amendment. It has been pointed out that the schemes cannot be worked out for want of a Director and that several schemes have been made to lie over for want of expert knowledge. But if we examine these schemes, we may probably find that it was want of finance that made these schemes lie over for a long time. Unless there is some fund to help the councils to work out the schemes it is not possible to expect the schemes to be worked out soon.

" It may be pointed out that under Chapter 6 some fund will be raised and out of that, money may be borrowed. But that will not suffice. Hitherto, certain grants are made to municipalities and similar grants must be made to them under the Bill to help these schemes. Otherwise, they cannot be worked out. For these reasons, I second the amendment."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—" I am sorry I have to oppose this amendment. Having allowed clause 8 to form part of the Bill, which provides that municipalities with a population of more than 40,000 should submit schemes for town improvement, it is easy to see that it is necessary that certain other municipalities with population below 40,000 should also, wherever Government think it necessary for their benefit, be brought under this Act without such a provision. In municipalities with less than a population of 40,000 it will not be possible even for the Government to introduce town-planning schemes however desirable they may be. Therefore it is very necessary that this clause with this discretionary power should remain. As for finance I believe my friend Mr. Siva Rao when he moved his amendment on clause 8 said that chapter VI gave power to municipalities to borrow money on their resources for town-planning schemes and to create a seprate fund, what is called the town-planning fund. It allows municipalities also to raise certain sums by way of revenues and set them apart for the purpose of town-planning. Hitherto there has been a complaint that any amount of money that has been collected by the municipality and any amount of grants given by the Government for the purpose of town-planning have not been specially utilized for this purpose but that on the other hand they have been mixed up with other revenues. That is the reason why in spite of the very liberal grants from Government many a scheme of the municipality has not been brought to completion. After all if we people understand the benefits of town-planning and the housing question as well no municipality need be afraid to borrow money. It is not as if we are making any doubtful venture or taking a leap in the dark. The money that will be borrowed will be invested in the best of securities—immovable properties—and no investment upon such a security will be lost. I submit that the retention of this clause is essential for the improvement of town-planning."

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—" So much has been said about not making provision for financing the schemes. Municipal councils have the power to raise house-tax without any limit. If any town-planning scheme be of advantage to the people, they should pay for it. Again the Government have promised to come to the help of local bodies. There is a committee to meet soon to consider the financial relations between Government and local bodies. Lastly, I would say that in many cases money has only to be borrowed. Eventually the money will be recouped to the council. There are provisions here for what is called a betterment contribution. I understand the Hon'ble Mr. Siva Rao's objection, because he wants to omit the betterment provision altogether. Therefore he says, where are we to get funds ? If the provision is to stand, we have a means of repaying the advance. I therefore consider that ample provision has been made here and this clause ought to stand."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I associate myself with what the other Honourable Members have said against the amendment."

The amendment was put to vote and lost.

The Hon'ble Mr. P. SIVA RAO then moved the following amendment :—

If this clause is not omitted, *add* the following proviso at the end of it :—

' Provided the Local Government makes due provision for financing the scheme out of the Provincial funds.'

In doing so he said :—" Your Excellency,—This is an alternative amendment. I only ask that some concession should be shown to these local bodies. The policy is dictated to them by

Government. A scheme is imposed upon them whether they are able to do it or not. Their finances are not consulted and there is nothing to show that their finances will be consulted before this scheme is enforced on them. They are called upon to execute a scheme or send up draft of a certain scheme. Then what about the cost which local bodies cannot cope with? The Hon'ble Mr. Ramanuja Achariyar was pleased to observe that there is unlimited power of taxation of house property vested in the municipal bodies. I believe he is still the chairman of a municipality. Let him try to increase the house-tax. I doubt whether he will be able to increase it. I am going to try the experiment in a few days. It will be very interesting experiment. I do not think that the public opinion will allow the raising of the taxing more than it will be possible to increase it under the present circumstances. He was referring to the Provincial town-planning fund and so many other funds. The Hon'ble Mr. Arumainatha Pillai also was referring to those funds as if they made adequate provision for financing these schemes. No doubt there is betterment contribution. I do not believe that if this fund is adequate for the purpose, local bodies will have to get loans. Then, is borrowing a very wholesome thing? The Hon'ble Mr. Arumainatha Pillai says whatever the finances may be 'borrow at 6 or 7 per cent or go to the market and float your loan and pay as much interest as is demanded.' Is this a satisfactory financial arrangement? Some hope is held out by the Hon'ble Mr. Ramanuja Achariyar. A committee is to sit shortly to consider the relations between the provincial and the local finances. Until that committee sends up its recommendation for augmenting the local resources, there is no use forcing these schemes over the local bodies. I am aware, Your Excellency, of the very poor and inadquate resources of these local bodies and I want some guarantee from the Government that in cases where they impose these schemes upon local bodies they would undertake some financial liability in the matter. Otherwise compulsion ought not to be reserted to. If this proviso is passed, I expect the Government will not lightly impose such schemes upon local bodies whatever their resources may be."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second the amendment."

The Hon'ble Rao Bahadur T. NAMBERUMAL CHETTI :—"If the amendment was passed, private initiative will be killed as it were. Instances could be adduced of town improvements and extensions having been carried out without State aid. I therefore oppose the amendment."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"I am sorry I have to oppose the amendment of the Hon'ble Mr. Siva Rao. I do not know whether this clause leads to some sort of suspicion that the Government have forced the town-planning scheme upon the municipalities which are on the verge of bankruptcy and the Town-Planning Bill is not going to be introduced at once. I think this Bill will be worked by the people's representatives who would have the power next year. Then we must know as well that the people's representatives would take care and see that the people whom they represent are not jeopardized by placing the whole thing in their hands. I do not believe there is any necessity for this thing. This Act will be carried into effect not by the much-abused bureaucratic Government but by the much-praised people's Government. Hence my honourable friend need entertain no fear about the working of this Act."

The amendment was put to vote and lost.

Clause 12 was allowed to stand part of the Bill.

Clause 13.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment:—

Add the following words at the end of sub-clause (*f*):—

'for the acquisition, clearance, development of land and rehousing where necessary and the amount that is estimated to be realized by sale or otherwise as well as estimate of betterment contribution.'

In doing so he said :—"It is not a controversial point. In order to make one understand what would cost the taxpayer, fuller details should be given in the preparation of the scheme. So it is far better in preparing the estimate of the net cost of the scheme to give particulars with reference to the various points indicated in clause 18.

The Hon'ble Mr. P. SIVA RAO :—"I second it."

The Hon'ble the ADVOCATE-GENERAL :—"This seems to me to be wholly unnecessary. The scheme or the net cost of it depends upon what provisions are thought out by municipalities with reference to the scheme. If you introduce the words suggested in the amendment, it will restrict the net cost to certain items only. For instance the net cost, as the clause now stands, would include the laying out of land as building site. It is not provided for by the amendment. The construction, development, acquisition, improvements or closure of the streets would almost be a necessary part of the scheme. The cost of it would be excluded and there will be no provision for the real net cost. What is the 'net cost' of the scheme, would depend upon what the scheme is. If for instance provision is made in the scheme for the acquisition, clearance, development of land and rehousing where necessary, all that will certainly come under the net cost.

13TH JULY 1920.] *(Mr. Venkatapati Raju; the Advocate-General; Mr. Venkatappayya Pantulu.)*

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I do not press the amendment".

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

"*Change* sub-clause (*h*) into sub-clause (*k*); and *insert* the new clause (*h*) as follows :—

"(*h*) Number of houses that will be affected and number of houses and housing accommodation that can be provided and the time within which the whole or part of the scheme can be carried into effect."

In doing so, he said :—"Your Excellency, I do not think there would be any such difficulty for this. What I wanted to know is whenever they want to prepare a scheme, they must know the number of houses that will be affected and number of houses and housing accommodation that can be provided and the time within which the whole or part of the scheme can be carried into effect. Therefore I suggest this."

The Hon'ble the ADVOCATE-GENERAL :—"May I point out before it is seconded, that this will come out in clause 9 if that is adopted, one or other of the sub-clauses of clause 13. For instance, we will take 13 (*b*), 'the ownership of all lands and buildings in the area to which the scheme relates.' The amendments would be unnecessary, I think."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I do not press it."

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

"*Insert* the new clause (*j*) as follows :—

'(*j*) whether the municipal council is prepared to meet the loss if any in whole or in part and whether it expects the Local Government to make any grant or loan and if so what amount is necessary for either'."

In doing so, he said :—"Your Excellency, I want to have this new clause. Though it may not come directly under this, and though we have to discuss it under financial provisions, what I want to suggest is that we must have a clear understanding as to who is to bear the cost. Now the Hon'ble Mr. Siva Rao moved that the amount should be found from the Provincial funds. It was negatived and therefore the whole burden cannot be borne by the Provincial Government. Till now the practice was that actually the whole amount that would be incurred by the municipality for the removal of congestion in towns was being paid by the Government, because they know perfectly well that most of the municipalities are quite unable to meet their current expenditure. Therefore they are making grants in order to provide for this purpose. In England generally, what they do is, that in the first instance the Government pays the whole amount and they take back such portion as is possible to realize from the boards or councils and for any extra amount they will lend the amount and if there is still any loss that would not be possible to realize, the Government would make a grant. Whether the Government are prepared to contribute half of it or anything at all or whether they want only to see how the municipal funds can be better utilized without contributing a single pie, it would be better if those questions are settled once for all. Instead of being in doubt, I thought it would be better to make a provision that whenever they sent in a scheme they must know what would be the cost and what would be the portion of the loss so that they could get it either by loan or by grant and if so what amount is necessary. It is only an enabling clause to the municipailty to make out a case to seek the help of the Government and to say 'this scheme would cost so much, we can bear from our own funds half of it, and we want the remaining sum either by grant or by loan.' It is only for that purpose I have moved that this new clause be inserted".

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second it."

The Hon'ble the ADVOCATE-GENERAL :—"I wish to oppose this for several reasons. I would like to point out to my honourable friends that when once the scheme is sanctioned it operates as a part of the statute. That you will find provided for in section 14, clause (5). Now supposing the municipality says that it expects a grant of Rs. 10,000 for financing a scheme from the Government and supposing the Government sanctions this, it would amount to this; they are bound by the legislative Act to make that particular contribution whether they could spare the amount at the time or not. They cannot decline to pay it as it is in the statute. Then there is a further thing. I would point out that there are provisions made for financing schemes and it is expected that when those schemes are developed, not merely there will be no loss at all, but these schemes will result in very considerable profit to the municipalities. That has been the experience in other countries where town-planning schemes have been adopted, and that, I understand, has been the experience of Bombay in the course of the last two years. When you propose here that a municipal council should say what loss it is prepared to meet whether in whole or in part, at what time is this loss to be ascertained. Is the loss to be ascertained on intitial capital expenditure whether it means the ultimate loss after the development of the scheme with reference to capital expenditure which is incurred, or after the contribution by way of betterment is realized. It may be realized in 10 years, 15 years or 20 years as the scheme provides. Again if you look into the betterment contributions, it is impossible to understand how any municipal municipal council can say, when they are making a scheme, that there will be any loss on account of the schemes which they are preparing; how can it say that it expects the Local Government to make any grant or loan; and how can it say

what amount is necessary. If you take the financial clauses, you will find it is expected that the Local Government will finance to some extent at least these schemes when they are brought into force. There is a provincial town-planning fund proposed. It is proposed that the Government should not merely make loans but also make grants. I oppose the amendment for these reasons. You cannot make a statutory enactment of an expectation which will be impossible by the nature of the things to ascertain or carry out."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I do not press the amendment."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 13 was allowed to stand part of the Bill.

Clauses 14 *to* 18.

Clauses 14 to 18 were allowed to stand part of the Bill.

His Excellency the PRESIDENT :—" I think perhaps it will be convenient if we adjourn. I should like to tell honourable members that we regret very much that we are unable to make arrangements here for lunch, but it has been quite impossible owing to the fact that we had to make this temporary arrangement at a very short notice. I propose to give an hour's adjournment every day about 1·30 p.m. and I think the honourable members will return refreshed. The Council will now adjourn."

The Council rose for lunch.

The Council re-assembled at 2·35 p.m.

Clause 19.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

" In sub-clause (2) *substitute* the words ' within a fortnight after the receipt of the notice ' in the place of ' within a reasonable time to be specified in such notice.' "

In doing so, he said :—" Your Excellency, the Bill provides for ' a notice requiring him to show cause within a reasonable time to be specified in such notice why the order should not be confirmed.' I beg to point out that the expressien ' within a reasonable time ' is too elastic. Instead of that we can fix a fortnight. If the party to whom the notice has been given wants more time he can get it under the Act. It is therefore better to fix it. In England they have fixed it at 14 days. We can fix the same time here. According to the present provision one man may take a week or more; another a month and therefore I suggest ' within a fortnight after the receipt of the notice.' If any one wants more time he can get it."

The Hon'ble Mr K. VENKATAPAYYA PANTULU :—" I second the amendment."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I would first point out that this expression ' within a reasonable time to be specified in such notice ' occurs in several places in the District Municipalities Act. I have before me very many sections of that Act wherein this thing is put in, the idea being that, in cases where it is difficult to fix in advance a period of time, it would be as well to leave the matter to the local authority concerned. If the Honourable Member's suggestion is accepted, it would mean that in no case can there be a period of more than a fortnight."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Please refer to clause 19, sub-clause 3."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" May I point out to the Honourable Member that sub-clause (3) does not provide for any additional time? Does it?"

The Hon'ble Mr. B. VENKATAPATI RAJU :—" If the owner can explain why he wants more time, he can have it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I beg the Honourable Member's pardon. His amendment will really tie the hands of the chairman—in some cases to the prejudice of the party concerned. There may be cases in which more than a fortnight's notice will be necessary. The chairman will not be in a position to give that time."

His Excellency the PRESIDENT :—" Does the Honourable Member wish to press his amendment."

With the permission of His Excellency the President the amendment was withdrawn.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the Advocate-General.

" In sub-clause 3, *insert* the word ' Madras ' before the word ' district ' in the eighth line."

The Hon'ble the ADVOCATE-GENERAL :—" I move that the word Madras be inserted before the word ' District ' in the eighth line of sub-clause 3, clause 19. This is an entirely formal amendment."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I beg to second it."

The amendment was put to vote and carried.

Clause 19 as amended was allowed to stand part of the Bill.

13TH JULY 1920.] (*Mr. Venkatapati Raju; Mr. Venkatappayya Pantulu; the Advocate-General; Mr. Ramanuja Achariyar; Sir Rajagopala Achariyar.*)

Insertion of a new clause after 19.

The Hon'ble Mr. B. VENKATAPATI RAJU moved for the insertion of the following new clause after clause 19: —

'19-A. The municipal council may employ a special staff after obtaining the permission of the Government to carry out the objects of the Act.'

In doing so, he said :—" I want to suggest that some money would be wanted and some staff would have to be employed for this business. The municipalities cannot spend out of the town-planning fund. So the municipal council may employ a special staff not relying on the staff employed by Government, after obtaining the sanction of Government, because whatever persons are employed for that purpose the money should be debited to the town-planning fund. For that purpose I have suggested that the permission of Government should be obtained for the employment of the special staff."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second the amendment."

The Hon'ble the ADVOCATE-GENERAL :—" I oppose it because it is unnecessary. Town-planning is a function of a municipality as much as any other municipal function. Such a function of the municipality is covered by the provisions of the Municipalities Act. When municipalities embark on town-planning they can employ such staff as may be necessary for working out the scheme. The addition is unnecessary."

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—" I also oppose it, because the municipal councils have complete power to appoint whatever establishment they please. I do not want to tie their hands in the manner suggested here."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" It seems there is some misapprehension on the part of the Hon'ble the Advocate-General and Hon'ble Mr. V. K. Ramanuja Achariyar. What I say is this. The municipality has the right of employing its own staff but there is a provision in this Bill that you cannot touch a single pie out of the town-planning fund. My submission is that when you have to employ a special surveyor or special staff to prepare this, the Hon'ble the Advocate-General says 'it is your duty to do this.' But the Government makes a provision " whatever money you realize you keep it as a sacred trust. Do not touch it for anything else.' So when you realize the money you ought not to touch it. If the town-planning fund is made part of the municipal fund, the money might be spent for the employment of the special staff, whereas you say you cannot spend out of the town-planning fund for any other purpose."

The Hon'ble the ADVOCATE-GENERAL : —" You can."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" If money can be taken for that purpose, I do not press it."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 20.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I do not move the following amendment: *omit* the words 'the time (if any) limited by the scheme, not being less than' in clause 20."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 20 was allowed to stand part of the Bill.

Clause 21.

Clause 21 was allowed to stand part of the Bill.

Clause 22.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the Advocate-General :—

" In the last line of sub-clause (2), *substitute* the letter 'm' for 'l' and 'n' for 'm'."

In doing so, he said :—" This again is really consequential on the amendment made to clause 4 by the addition of a separate sub-clause with regard to construction of houses."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second it."

The amendment was put to vote and carried.

Clause 22 as amended was allowed to stand part of the Bill.

Clause 23.

The Hon'ble Diwan Bahadur Sir P. Rajagopla Achariyar Avargal, K.C.S.I., C.I.E., did not move the following amendment which stood in his name :—

" *Omit* the words 'the time (if any) limited by the scheme not being later than'."

With the permission of His Excellency the President the amendment was withdrawn.

The Hon'ble Mr. P. Siva Rao did not move the following amendment which stood in his name :—

" *Omit* the clause."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 23 was allowed to stand part of the Bill.

(Mr. Venkatapati Raju ; Mr. Siva Rao ; Mr. Venkatappayya Pantulu ; the Advocate-General.) [13TH JULY 1920.

Clause 24.

The following amendments of which notice had been given by the Hon'ble Mr. B. Venkatapati Raju and the Hon'ble Mr. P. Siva Rao were not moved :—

The Hon'ble Mr. B. VENKATAPATI RAJU :—

" In sub-clause (*b*) *add* the following words after the word ' chairman ' at the end of the clause :—

' with reference to the improvements that are effected under the Act '."

Add new sub-clause (*e*) as follows :—

" (*e*) If after the publication of the scheme any person sells away any land or building situated within the municipal limits whose value has been increased he shall be liable for contribution to the municipal council out of the purchase money, either 5 per cent of the whole amount or 20 per cent of the increased net value after deducting the cost of improvements effected since the previous sale or if no sale had taken place in recent times the increased net value within a period of five years prior to the date of sale whichever amount is less. The chairman shall settle the amount after due inquiry and against whose decision an appeal lies to the Local Government within three months of the communication of the decision and the order of the Local Government is final. The amount realized under this section shall be added to the town-planning fund."

The Hon'ble Mr. P. SIVA RAO :—

" *Omit* the clause ".

With the permission of His Excellency the President the amendments were withdrawn.

Clause 24 was allowed to stand part of the Bill.

Clauses 25 and 26.

With the permission of His Excellency the President the Hon'ble Mr. P. Siva Rao withdrew the following amendments which stood in his name.

" *Omit* the clauses."

" If clauses 23–26 be not omitted, *substitute* the following words for sub-clause (2) of clause 26 :—

' The Council shall thereupon either acquire the property at the increased value estimated by it or accept the market value as stated by the owner and revise its assessment of the betterment contribution in accordance therewith.'

Clauses 25 and 26 were allowed to stand part of the Bill.

Clause 27.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

In the place of ' shall appoint an arbitrator ' *substitute* the words ' may appoint an arbitrator if necessary either on the request of the municipal council or on the requisition of the parties affected thereby either jointly or separately when the combined value of the property affected is not less than five thousand rupees.'

In doing so, he said :—" With Your Excellency's permission I will *omit* the whole except the word ' may.' I do not want to *add* any other clause. I only want that ' shall ' may be changed into ' may.' "

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second it."

The Hon'ble the ADVOCATE-GENERAL :—" I think the word ' shall ' is necessary because without an arbitrator you cannot proceed further with the scheme. The chief thing is in regard to what is called injurious affection and betterment contribution. These matters are not going to court. With regard to compensation for acquisition of land, as the Honourable Member says, it goes to court in the ordinary way except that you provide that the extra 15 per cent is not to be given. With regard to injurious affection, and so long as you have clauses 23–26 which provide for betterment contribution, the betterment contribution must necessarily be ascertained by an arbitrator and not by a court if you want to have the scheme going on at all. For two reasons an arbitrator is necessary. An arbitrator is a person who is likely to know very much more than any court. Again there is the inevitable delay if you go to court to settle these matters. It will then be almost impossible to work the scheme."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I do not press the amendment."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 27 was allowed to stand part of the Bill.

Clause 28.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the Advocate-General :—

" In sub-clause (*c*), *for* the words ' by the making of a town-planning scheme ' *substitute* the words ' within the meaning of section 20.'

In doing so, he said :—" This is an amendment which I move in order really to bring it into line with the alteration in section 20 from what it originally was. Honourable Members will see ' any person whose property is injuriously affected by any refusal of the municipal council to grant permission under section 17,' is entitled to compensation ; it was only introduced by the

Select Committee. This section makes provision for compensation to be given in both these cases, namely, where a person whose property is injuriously affected not merely by making a town-planning scheme but also by the refusal of the municipal council to grant the permission applied for. Therefore it becomes necessary by reason of the change introduced in section 20 in the Select Committee to amend this section also in terms of that section. That is why instead of the words 'by the making of a town-planning scheme' I want to *substitute* 'within the meaning of section 20' so as to widen the scope of the compensation provision."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"I second it."

The amendment was put to vote and carried.

Clause 28 as amended was allowed to stand part of the Bill.

Clause 29.

Clause 29 was allowed to stand part of the Bill.

Clause 30.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment:—

"In sub-clause (2), *substitute* the words 'out of the town-planning fund or out of the provincial town-planning fund' in the place of 'out of the general municipal fund or out of moneys borrowed in pursuance of this Act.'"

In doing so, he said:—"Your Excellency, it is not so much the wording but is the principle on which we have to pass the amendment. The question is, as provided in clause 2 in the Bill, 'the moneys required in the first instance, to establish such fund, and any deficiency from time to time occurring in such fund by reason of the excess of expenditure over receipts shall, subject to such rules as the Local Government may frame in this behalf, be supplied out of the general municipal fund or out of moneys borrowed in pursuance of this Act' there is no significance in having 'in the first instance' because either in the first instance or in the last instance it will be taken out of the municipal funds. My difficulty is this. There are municipalities about 30 or 40 in number in our Presidency. They are hardly able to meet the current expenses with the revenue that they raise. With reference to the mode of enforcing the scheme you have got a number of authorities; you have got a director, an arbitrator and even a trust board to manage all these things. When all this is being done, then you are not asked to touch a single pie out of the town-planning fund which, according to the Hon'ble the learned Advocate-General, will be a profitable concern, and never a losing one. While in England the Parliament or the Treasury contribute in the first instance, here we have got the municipality to pay in the first instance. I submit that municipalities are not in a position to afford to pay either in the first or in the last instance. What I submit is that on principle the expenditure should be met from the town-planning fund which is vested in the municipality or the provincial town-planning fund given by the Government or money got on loan. Therefore I suggest that the money that is wanted may be taken from the town-planning fund or the provincial town-planning fund. If either of these things do not suffice, the provincial Government should pay and not the municipality. In these circumstances I trust that any money that is wanted should be paid either from the town-planning fund or the provincial town-planning fund."

The Hon'ble Mr. P. SIVA RAO:—"I second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"Honourable Members will see from the wording of clause 30 what exactly is aimed at by sub-clause (2) which the Hon'ble Mr. Venkatapati Raju proposes to amend. Sub-clause (1) creates the town-planning fund for local bodies and from that fund all expenditure shall be incurred. There are several provisions as to the receipts of the town-planning fund. Moneys borrowed from the Provincial Government or grants made by the Provincial Government go in the first instance to the provincial town-planning fund and thence to the local town-planning fund. Sub-clause (2) provides that expenditure shall be met out of the general municipal fund or out of moneys borrowed in pursuance of this Act.

"The local body may borrow money from the provincial town-planning fund. The Honourable Member's proposal is to substitute 'out of the town-planning fund or out of the provincial town-planning fund' for the words 'out of the general municipal fund or out of moneys borrowed in pursuance of this Act.' The clause as amended will read like this: 'The moneys required, in the first instance, to establish such fund, and any deficiency from time to time occurring in such fund by reason of the excess of expenditure over receipts shall, subject to such rules as the Local Government may frame in this behalf, be supplied out of the town-planning fund or out of the provincial town-planning fund.' In other words, the money needed to start the local town-planning fund and the money needed to make up the deficiency in the local town-planning fund shall be obtained from the local town-planning fund. This is an obviously impossible performance. The clause is intended to provide for the contingency that there is no money in the local town-planning fund. The Honourable Member proposes to remedy that by borrowing from that non-existent or bankrupt fund. That is an obvious impossibility. I believe what the Honourable Member means or wishes is that in some way the municipal fund shall not be liable for any town-planning expenditure. I believe that is what the Honourable Member

aims at, and I am very glad I have received corroboration from him. That being so, may I point out that town-planning is a local obligation? It is an obligation in the first instance on the local body and it is not an obligation on the general tax-payer to the exclusion of the local body. I quite understand the view that the general tax-payer should come to the help of the local body, and for that provision is made, but this theory that, when once you ask a local body to set its house in order, to remove congestion, to make things clean, that local body is absolved from obligation in that respect and that the Government should pay whatever money is needed for the purpose because the Government asked the local body to do these things, that, Sir, is a position which I, on behalf of the Government and also, if I may say so, of the general tax-payer, am bound emphatically to repudiate. Town-planning is as much the duty of a local body as any other function. Our object in framing clause 30 in that form in the Select Committee was that we wanted to create a fund from which this expenditure could be met. That fund will get certain revenues, notably, the betterment contribution. Also there is the provincial town-planning fund from which grants could be got or moneys could be borrowed, which would feed the local fund. The obligation of meeting all local needs is however primarily that of the local body, and I cannot accept any amendment which would even by implication commit us to the position that this is wholly a matter for the general tax-payer and not a matter for the local body. I oppose the amendment proposed."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, the Hon'ble Sir Rajagopala Achariyar has pointed out certain defects in the framing of the amendment. The main question which we are to consider is whether town-planning is a local concern or a national concern. I do maintain in spite of the strong assertion to the contrary by the Hon'ble Sir Rajagopala Achariyar that healthy surroundings, healthy habitations and health and strength to the inhabitants of the locality as well as of the rural areas is equally the duty of the Government. You must provide for it as well and the municipality has various other duties imposed upon it by the Municipal Act. The municipality has to attend to various things such as sanitation and so forth. These she has to do. She is not pocketting any money or making any profit out of it. But the question is why you want to take the money in the first instance from the municipal fund. I can understand the municipalities being asked to pay in the first instance provided the amount is repaid subsequently. As there is no question of repayment, there is no meaning in saying that in the first instance the money will be paid out of municipal funds. But here we find that the whole concern is under the management of the board of trustees, the Director and the Arbitrator, all appointed by the Government. Practically the Government undertakes the duties of Director, Arbitrator, Trust Board, etc. But if a loss occurs, Government must pay and not the municipal councils who have nothing to do with the whole arrangement. It is the Government that appoints a Director and the Board of Trust, and let them manage and the Provincial Government should contribute. That is my main idea. It may be taken for granted that Local Governments contribute large amounts in all Presidencies and it is also the case in other Governments who contribute for this purpose. In Mysore, they have contributed several lakhs of rupees for the improvement of Mysore. Government must have understood by this time that no municipality can afford such a huge expenditure, especially at the present time when they have to pay increased salaries on account of increase in the prices of food-stuffs. Under these circumstances I suggest it is better instead of making the municipalities bankrupts to provide them with the necessary funds to be recovered later on. If that is not sufficient, money may be given from the provincial funds, and if that also is not sufficient, Government should make a special grant as is done in other countries. Why should we make an exception in the Madras Presidency? The Government also must necessarily help the municipal councils in this matter. I therefore suggest that the money be paid out of the provincial funds. This will obviate the difficulty pointed out by the member in charge, viz., the difficulty of a non-existent body contributing money."

The amendment was put to vote and lost.

The Hon'ble Mr. P. SIVA RAO :—" I propose to add at the end of sub-clause (2) of clause 30, the following words : ' Or out of grants made by the Government.' In the Bill there is provision for two town-planning funds, one called the municipal town-planning fund and the other the provincial town-planning fund, and sub-clause 2 provides as to how the municipal town-planning fund should be formed. It says ' the moneys required in the first instance, to establish such fund, and any deficiency from time to time occurring in such fund by reason of the excess of expenditure over receipts shall, subject to such rules as the Local Government may frame in this behalf, be supplied out of the general municipal fund or out of moneys borrowed in pursuance of this Act.' Then it does not provide for grants being made by the Government. Their intention is made plain from sub-clause 3 of clause 32, which says : ' The Local Government may prescribe the terms and conditions on which loans may be given, or grants made, out of the provincial town-planning fund, to any municipal council for the purpose of making or executing a town-planning scheme.' The Local Government may frame rules prescribing the terms and conditions under which grants will be made to finance these schemes. So it is obvious that the Government also contemplate making grants for this purpose of financing town-planning schemes. Then why should it not be clearly stated here that the initial money required to form the town-planning fund shall be found firstly out of the general municipal fund, and secondly or out of moneys borrowed in pursuance of this Act or out of any grants that may be made by the Government.

"That is all what I asked for. It reads as if the municipal town-planning fund should be formed only in either of the two ways mentioned. If Government may give a grant why should there not be a provision for it? Merely because this clause is introduced at the end of sub-clause (2) it is not obligatory on Government to make a grant in all cases. But the absence of such a provision would mean that under no circumstances the moneys required for the formation of a municipal town-planning fund can be taken out of the grants made by Government. Obviously this is not the intention of Government. Government intend to make grants although it is not obligatory. On certain conditions they do propose to make a grant. My amendment is a harmless one and I hope the Honourable Member in charge will accept it."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second the amendment."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"I am sorry I have to oppose my friend. I base my objection on the ground that this amendment here is quite unnecessary if you read clause 32. Clause 32 says that the moneys required to establish a town-planning fund shall in the first instance be paid out of provincial revenues or provincial borrowings. Out of that town-planning fund each municipality will get its share for its schemes. If my Honourable friend's contention is to prevail it means that the provincial revenues shall go towards the creation of the town-planning fund and also in addition to this to supplying deficiencies. This would serve a double purpose for which no necessity has been shown. What we want is that provincial revenue should be paid towards the extension of town-planning schemes. We have got it. I therefore do not see any necessity for this amendment and I oppose it."

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—"The reference made in section 32 is only about the provincial town-planning fund whereas section 30 refers to municipal town-planning fund. As regards the latter the amendment is that it should be augmented by provincial contributions and it has already been opposed by the Government in connexion with a previous amendment of the Hon'ble Mr. Venkatapati Raju that the municipal funds should not be augmented for this purpose by Government. I agree entirely with the Government. There is no reason why the provincial funds should be utilised for purely local purposes and at the expense of the general tax-payer. Of course if the object is one of purely national or semi-national purpose the provincial funds may be utilised as in the case of elementary education or for combating plague or other epidemics. But when it is a purely local object, the municipal fund alone should be utilised and it should not be augmented by the general revenues of the province to the great detriment of the rural areas."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I would associate myself with what has fallen from the last two members and I would object to anything being put in which would create the impression that the Local Government should directly bear any share of the liability of local bodies. I quite recognise that in some exceptional case there may be a local deficit which may have to be met. But it should be the object of every local body so to work its town-planning scheme as to make it pay; and if you hold out the hope of a dole from the Government, that would be an incentive to wrong methods. Whatever help local bodies might need, they must get from the provincial town-planning fund which we have created and which it will be the policy of the Government to help. I don't think the Government should contribute to any other fund, or deal with a large number of isolated cases. I would oppose the amendment."

The Hon'ble Mr. P. SIVA RAO :—"The Hon'ble Mr. Narasimha Raju said that no pie out of the provincial fund should be spent upon what are known as local objects. But he seems to go back upon the provisions in 32 (3). That contemplates that the Local Government may make grants out of the provincial town-planning fund for the financing of these schemes. I think he was aware of this provision and I don't think my Honourable friend is going back upon that provision which was inserted in the Bill as it emerged out of the Select Committee. When it is clearly contemplated that grants out of provincial town-planning fund may be made, where is the objection to insert it here in sub-clause (2)? It does not create an impression that in all cases the Government help should be invoked. One of the objects of the formation of the Provincial Town-Planning Fund which is clearly contemplated in clause 32 (3) is that the Government may make grants out of it to the municipal council and I want that to be inserted here.

"As regards the principle contended for by the Hon'ble Mr. Narasimha Raju, he has clearly deviated from it. The Select Committee has not accepted the principle that the provincial exchequer should not be open for purely local purposes. It clearly contemplates grants to local bodies. There is therefore absolutely no harm in inserting this provision. It does not mean that it is obligatory. In any fit case, the Government may prescribe the terms and conditions under which the grant should be made. Why not then let it be said here to make the matter clear, that the Government can sometimes make grants to fill up what is known as the municipal town-planning fund."

The amendment was put to vote and lost.

Clause 30 was allowed to stand part of the Bill.

(*Mr. Siva Rao ; Mr. Venkatapati Raju ; Sir Rajagopala Achariyar ; Mr. Narasimha Ayyar.*) [13TH JULY 1920.

Clauses 31 *to* 35.

Clauses 31 to 35 were allowed to stand part of the Bill.

Insertion of new clauses after clause 35.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendments :—

" 35-A. Municipal councils are hereby empowered when the Local Government approves of it to abstract water from any river, stream or lake (or tank) or the feeders thereof for affording water-supply, subject to a prior obligation of affording or leaving a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction.

" 35-B. Municipal councils may apply for and obtain permission of the Government on such terms and conditions as the Local Government imposes to utilize any land of the Government or any land vested in the Forest Department of the Government to carry out the objects of the Act.

" 35-C. Municipal councils may obtain special permission of the Government to empower them to take over unoccupied houses or unutilised lands, respectively, unoccupied or unutilised for a period of five years prior to the date of application and pay compensation therefor as provided for land acquisition under sections 33 to 35, irrespective of its inclusion in the scheme or otherwise and may obtain permission of the Government to prohibit luxury buildings in the congested area of any locality."

" In doing so, he said :—This is a usual provision which should find a place in the Act. There is no provision here whether the Government want to bring any Act hereafter or they have got other provisions I do not know. So far as I see from the Bill this is an omission that can be supplied by the insertion of the above clauses. I do not know whether Your Excellency wants to deal with all the three clauses together or not."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I will take all together."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I have only taken the trouble of pointing out certain defects which are not found in the measure. Water-supply would be a necessary thing and instead of relying upon any other Act a provision may be made and it will not affect any private interests because I have provided a saving clause that prior obligations are not to be interfered with. With that object in view 35-A was suggested.

" As regards 35-B, I do not know with reference to other municipalities but I can bring an instance of a forest being located in the middle of our municipality, Vizagapatam. Forests generally would be away from all habitations but here in Vizagapatam we have a forest amidst our surroundings. There is a 100 acres reserved as forest which is not a useful thing, but only a casuarina plantation. In the town-planning scheme I can very well suggest its removal. If we want a forest we can have it in the hills. I put it subject to the approval of the Government. Nothing can be done without the approval of Government, and therefore I added that clause which is also provided in the English Act. There also with the permission of the Local Government they can approach the Forest Department to allow them to do that. Therefore I have suggested the clause.

"As regards 35-C Your Excellency might have been aware that only recently an Act was introduced into Parliament in regard to this matter. With reference to any locality were there is congested area rich people might purchase big plots of land. They would not utilise it and not allow any others to utilise it. Therefore provision should be made to prohibit such Acts. People are suffering on account of house famine. There is no locality to house them. There are rich persons who own a number of houses. They do not use it for themselves. They would not rent it to others. They must either utilize themselves or they must allow others to utilise. Therefore to provide against this contingency I suggseted the third clause.

" With these objects in view, Your Excellency, I move for the insertion of the above three clauses."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" May I request that the three clauses may be kept separate ? 35-A I am going to oppose. 35-B and C I am going to support. On a previous occasion the question of enabling municipalities to take up waste lands was brought up for consideration. So far as I recollect, the vast majority of members were inclined to favour the proposal to enable municipal councils to take up waste lands and use them for the purposes of town extension, etc. The Honourable Member may enable us to accept it at this stage. 35-B is nothing more than taking up waste lands for the purpose of town extension. That deserves, I submit, support. 35-C is similarly to take up unoccupied houses and unutilised lands. I think there is very little objection to such lands also being taken up. As to the exact construction of the wording there is a slight difficulty in finding out whether the phrase 'irrespective of its inclusion in the scheme' refers to taking up unoccupied houses or lands or to the compensation portion,—in which latter case, there is no objection to the clause. But as to clause 35-A we are likely to meet with serious legal difficulties. There are High Court decisions in which it is stated that the bed and waters of a stream in an estate belong to the estate owner. Yet 35-A speaks of any river, etc. I think it is best to leave 35-A and I would strongly urge that 35-B and C may be accepted. I object to 35-A."

13TH JULY 1920.] (*Sir Rajagopala Achariyar ; Mr. Narasimha Ayyar ; Mr. Subba Rao.)*

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Of course these three clauses proposed by the Hon'ble Mr. Venkatapati Raju deal with three different things. As he has taken them together I shall speak on the whole lot and we may take votes upon the three clauses separately.

" Well, the first one is a somewhat formidable affair. I do not think it is quite relevant in a town-planning legislation ; I do not think that in a single section like this—interpellated in the Town-Planning Act—we could deal with the whole question of the rights of water-supply and of riparian proprietors, etc. These are difficult questions in this country, I mean questions of water and the rights of private individuals, of local bodies and of the Government in regard to water. And I rather think that 35-A, as the Honourable Member has put it, is firstly somewhat indefinite. And secondly it may commit us, however unintentionally, to a great deal of interference with established rights in streams, reservoirs and sources of water-supply generally. I do not think we should without a great deal of further examination go in for a matter like that.

" In regard to 35-B I do not see why we want a law for the purpose. The clause proposes 'Municipal councils may apply for and obtain permission of the Government on such terms and conditions as the Local Government imposes to utilize any land of the Government or any land vested in the Forest Department of the Government to carry out the objects of the Act.' The clause simply says the municipality *may* ask the Government to give any land, and the Government *may* give the local body what is wanted. What exactly is the advantage gained by putting into a statute this fact that a local body *may* ask the Government for land and that the Government *may* give to the local body that asks for it land on such conditions as the Government may prescribe? I share with the Hon'ble Mr. B. Venkatapati Raju his detestation of forests in the midst of towns. But that is beside the point. Leaving that aside for the present, I hope that the Council will see that my objection to clause 35-B is not so much to local bodies getting lands and the Government giving them lands, but the fact that, as framed by the Honourable Member, the clause really does not advance matters. That is my point.

" Coming to clause 35-C, I wonder what exactly the Honourable Member means by luxury buildings which he proposes to prohibit. I cannot claim much acquaintance with luxury buildings. I do not think I have ever lived in a luxury building and I do not think many of us have luxury buildings in this country. After all, if a man does want to start a luxury building, I do not know if he would choose a congested area of a town for the purpose. If a man wants to build a palace and chooses for the purpose a congested area in the middle of a large town, he would be doing a most foolish thing. What is it that the Honourable Member aims at here? 'Municipal councils may obtain permission of the Government to empower them to take over unoccupied houses or unutilized lands, respectively, unoccupied or unutilized for a period of five years prior to the date of application and pay compensation therefor as provided for land acquisition, irrespective of its inclusion in the scheme or otherwise.' Apparently if any man is so foolish as not to live in his house for a period of five years, the sword of Damocles is to descend on him and the house is to be taken away from him. I do not think we should put in all these penalties. I am prepared for some amount of socialistic legislation. But this thing seems to be too much of a good thing. After all, within the limits of the scheme the local body will have the fullest powers with regard to any house or land. But to say that, if a man does not live in a house for a period of five years, whether it is included in a scheme or not the house is to be taken away at once from him, that seems to be rather hard and I do not see exactly the purpose served. Is it intended merely to punish a man because he is not living in his house for five years? or is it for any definite local object within the scope of the particular town-planning scheme? By all means give the local body the fullest powers. I am for it, but the moment we go beyond the necessities of the case, we invite needless opposition from the public. I do hope that I have made some impression on my Honourable friend. After the appeal he made to me for a full and unbiassed hearing, I have been very anxious to do what I could for him. But, after hearing him, I feel that I should strongly advise the Council not to accept any of these three amendments. Two of them are positively dangerous and the second one is one of those inocuous things which really do not serve any useful purpose : hence I deprecate the acceptance of any of these three amendments."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" If it is suggested by the Honourable Member in charge that all waste lands in a municipality should vest in the municipal council, we may amend No. 2, 35-B."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" It is extremely kind of the Hon'ble Mr. Narasimha Ayyar to offer me his advice, but I would not be in a position just now to work his ideas out. I quite see his point, but I rather think that the provision should have been made in the District Municipalities Act. There was an amendment for the purpose, I believe, but it was not pressed. If, beyond dealing with amendments on the paper, we are going to consider other amendments put forward at the spur of the moment, however valuable and interesting they may be, I fear we shall have an endless task. I therefore suggest that the Hon'ble Mr. Venkatapati Raju's amendments may be put to vote."

The Hon'ble Rao Bahadur N. SUBBA RAO :—" Your Excellency, I support the amendment as far as clause 35-B is concerned. The Honourable Member in charge said that it was an inocuous thing and did not really serve any useful purpose. But I submit to Your Excellency that, when applications are made by municipal councils, it would be much better to have a

sort of legislative sanction for such applications, because it would be strengthening the hands of both the municipal authorities as well as the Government that may come hereafter. The present Government, I see, is very much in favour of giving lands for buildings in municipal towns if they are not wanted by the Government."

His Excellency the PRESIDENT:—"I doubt if the proposed provision would in any way improve the existing state of affairs."

The Hon'ble Rao Bahadur N. SUBBA RAO:—"Under the existing law we can make application of the kind contemplated in the amendment. My point, Your Excellency, is that if there is legislation to that effect, we are empowered not merely to apply, but we have got legislative enactment to back us up. It would be a great help to the municipal authority to make out a clear case."

His Excellency the PRESIDENT:—"All I ask the Honourable Member is this. Would the position under the proposed new clause improve the situation that exists at the present moment?"

The Hon'ble Rao Bahadur N. SUBBA RAO:—"I believe that it will certainly improve the position of the municipal council. That is the main reason why I want to support clause 35-B."

The Hon'ble Mr. T. ARUMAINATHA PILLAI:—"Your Excellency, so far as the proposed clauses 35-B and C are concerned, I oppose them not for the reason put by the Honourable Member in charge, namely that there was absolutely no necessity to take power by legislation, but I would oppose these two clauses on the ground that under this Bill itself we have got power to acquire any immovable property that may be necessary for the purpose of acquiring land needed for the purposes of this Act. That is under clause 33 which expressly lays down that immovable property required for the purposes of a town-planning scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act and may be acquired under the Land Acquisition Act. Under section 3, which we have now passed, we see that a town-planning scheme could be sent to the Government in respect of any land which might be required or likely to be used for building purposes. If you just analyse in the light thrown in by these two sections, the proposed clauses 35-B and C, one does not see any reason why these should be incorporated in this Bill. Moreover, the present clauses in the Bill do not lay down any condition or impose any obligations upon the municipalities when they want to acquire any land, but if these two clauses are to be included, then we will have to apply to the Government and accept all the restrictions which they lay down. Now, without these conditions we have got power to acquire land, and I do not see any reason why we should introduce a clause by which the Government may impose conditions upon us.

"When we are given liberty to acquire these lands I do not see any reason why we should saddle ourselves with the conditions which the Government may wish to impose upon us at their free will and pleasure. So far as section 35-A is concerned I submit that I would support the amendment proposed by the Hon'ble Mr. B. Venkatapati Raju. It simply says that the municipal council should be empowered, if the Local Government approves of it, to take water from every source for its supply. We know as a matter of fact that in certain municipalities it is not possible to carry on water-supply scheme on account of the deficiency of the sources of water-supply, and what is required by my Honourable friend is that that deficiency should be removed because we might have more source of supply when the municipalities are extended. So, on that account I would support 35-A and oppose 35-B and C."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU:—"Your Excellency, I support the amendment 35-A. Of course it has been objected to by the Honourable Member in charge that the questions relating to water from a river, stream or lake are very difficult questions to be dealt with in an enactment like this and that it should not be proper to deal with them here. What is stated in the amendment is, that the proposal may be introduced 'if the Local Government approves of it'. So far as there is such guarantee, there is no difficulty whatever in allowing such a provision to exist in the enactment. The Government is expected to ascertain what the rights are and settle them if they are conflicting. Supply of water is an essential part in a town-planning scheme, and it will be a great help to have such a measure introduced in the Bill. As regards the second part of the amendment, it is admitted that it states a very plain fact and that therefore it does not require any specific mention in the Act. If it is so inocuous as that, and if it has been customary all these years to act accordingly, it may be specifically mentioned in the Act so that there may be no room to doubt such a procedure. Then as regards clause 35-C, I think that it introduces a very drastic measure. It empowers municipalities to take over houses unoccupied for a period of five years; and it will be very unjust and hard upon the owner, just because he happens to be away, probably from the town or does not find money to build upon the site, to at once seize the property not for any purpose, not even for the purpose of town-planning, but because it pleases the municipality to adopt such a measure. To at once pounce upon the property just because the house is unoccupied for a period of five years seems to be purposeless vandalism. I therefore oppose that part of the amendment."

The Hon'ble Mr. B. VENKATAPATI RAJU:—"Your Excellency, the combination of these three clauses has brought some to support and some to criticise them. The criticism of Sir

13TH JULY 1920.] (*Mr. Venkatapati Raju.*)

P. Rajagopala Achariyar has relieved us of the monotony of some of the discussions of this morning. But let us not forget the important points involved therein. In 35-A, the first question, as Sir P. Rajagopala Achariyar put it, is what is the meaning of including such a provision in the Town-Planning Act. But what I say is, if it should have any place, it should have in the Town-Planning Act, and the Town-Planning Act alone. It has found a place in the English Town-Planning Act of 1919, and the very wording of it has been got from the English Act of 1919. So we need not be surprised that this should find a place in the Town-Planning Act in the Madras Presidency. But the question is whether we can safely permit the municipalities to allow water to be taken for the town extension purposes, subject to the condition of keeping a prior obligation on agricultural holdings. That was very carefully managed in other countries. I believe that can be done in this country also. Wherever there will be a strong opposition we have got a saving clause, that the Government can grant it or oppose it because nothing can be done without the Government's permission. If this object of getting water can otherwise be secured' then there is some other method of getting it, but this is the method adopted in other countries. So I suggest, it may as well be adopted in this Presidency. So far as regards clause 35-A.

"Coming to 35-B, Sir P. Rajagopala Achariyar rightly points out why should you want in the Act to make an application to Government. Whatever is done under the Act, we have to get the permission of Government. We made certain other provisions in the Act itself not only with reference to those that have been done but also inducing the people to do it. Sir P. Rajagopala Achariyar pointed out that we might make an application to Government. Under 35-B we may make an application and it is for the Government to grant it or not. It is an inducement to every municipality to make such a request and for the Government to grant it. Even this is not a new provision. In England where it ought to be taken with the permission of Government they say an application may be made with reference to the forest reserves. That provision also is made therein. So it is not a new feature which has been inserted here to cause surprise.

"Taking the last question, Your Excellency, Sir P. Rajagopala Achariyar says he is a bit of a socialist and therefore he has no objection, but I think before he claims to be a socialist he must become a nationalist. Sir P. Rajagopala Achariyar cannot become a socialist without being a nationalist.

"Clause 35-C is really a new provision which Mr. Addison has thought it necessary to introduce in England. I do not expect any new ideas will permeate the Council so soon. It will take several years to convince the people on both sides to see the utility of such a purpose. With that object in view I have introduced it here. The Hon'ble Sir Rajagopala Achariyar asks whether there would be difficulty in finding houses. Yes there are. There are houses, not one or two, but several of them, unoccupied, nor let out to anybody. In such cases the municipalities require such a useful provision. Private parties will not be injured thereby, for you are paying compensation therefor. You are not confiscating the property as Government does in cases of prosecution. Where housing accommodation is little and where there is housing famine why should we not empower the municipal councils with this clause.

"Then about luxury buildings, they are those where 20 or 30 acres of land with a small bungalow will be occupied by a person and the whole land will be a waste. These buildings are situated close to the town, and that is the reason why I say luxury buildings may be avoided. All these require the previous examination and sanction of the local Government. That itself is a sufficient safeguard against any innovation that can be introduced by any municipality. I do not think that the local Government would accede to any request unless satisfied thoroughly."

Clause 35-*A* was put to vote and lost.

Clause 35-*B* was put to vote and lost.

Clause 35-*C* was put to vote and lost.

Clause 36.

Clause 36 was allowed to stand part of the Bill.

Insertion of new clauses after clause 36.

The Hon'ble Mr. B. VENKATAPATI RAJU :—"With Your Excellency's permission, I shall take clause 36-A separately from 36-B, because there is no use of taking them together.

"I beg to move for the addition of the following new clause :—

Clause 36-A reads as follows :—

'Municipal councils are empowered, if the Local Government approves of it, to assist any public utility society under whatever designation it is known or registered, if its objects include the erection, improvement, and management of houses for the poor and working classes, and where such society is desirous of erecting houses, for the poor and working classes, to grant land and lend money to such society on such terms and conditions imposed or approved by the Local Government for the sole purpose of improving the housing accommodation to the poor and the working classes and for no other purpose.'

"The only provision that we have got at present in the draft Bill is 'A Municipal council shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a Town-Planning Scheme subject to the power of the Local Government to modify or disallow such agreement, and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the scheme

comes into force.' That may be with reference to the payment of compensation to avoid reference to arbitration or with reference to any other matter. But under that clause, I submit the Local Government will not be permitted either to grant land, or pay money for assisting any society started with the object of erecting houses for the labouring classes or in order to enable the municipalities to help such societies when they are formed or when they are already in existence. When their main object is to provide housing accommodation for the poor and working classes, I would suggest that a provision might be made to enable them to apply to the Government and obtain its sanction in order to help such societies, to obtain land, and to construct houses for the benefit of the poor and working classes. I therefore think there can be no difficulty in accepting the addition, unless Government think that there is some other provision which enables them to help such societies for the benefit of the poor and the working classes."

The Hon'ble Mr. P. SIVA RAO :—"I second the proposition."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"If the honourable mover will have no objection, I have asked for some papers in connexion with this proposal, and if he will go on with 36-B, this can be taken up later."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I have no objection."

Discussion on 36-A was deferred.

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I will take up 36-B now. I beg to move for the addition of the following new clause : '36-B Municipal councils, with the previous sanction of the Local Government, may compel all employees of labour within the municipal limits, who entertain more than one hundred workmen to work in their premises for not less than a year and such workmen have no decent housing accommodation of their own in the locality, to erect houses for their own workmen and to keep those houses in good repair, and, on failure to do so, with the special permission of the Local Government, erect houses at the cost of the municipality or repair them similarly and recover such amount either in full or in part by instalments or otherwise as directed by the Local Government from the employers thereof, giving such rights in the houses so constructed to them as advised by the Local Government.' A similar provision under a different nomenclature exists in England. There are several firms who engage a number of persons for whom there is no living accommodation and no accommodation is provided by the bodies. Hundreds of them are left to occupy portions of houses in municipal areas which are already occupied by a number of people. That is why we find that in municipal towns even single rooms are occupied by three or four occupants. These workmen are attracted on account of higher wages or remunerative work. The factory owners or other employers of labour do not care to provide housing accommodation for these people. Therefore if a person engages more than a hundred workmen, if they have no houses of their own, why should the workmen be thrown on the resources of the municipality and other inhabitants, when these people who make profits out of the sweat of the workmen are unwilling to do anything in the direction? That is the reason why in all civilized countries they compel the employers of labour to provide accommodation for their workmen. With that object in view I thought the Government also would agree to relieve the congestion and relieve the trouble of the municipalities. I therefore suggest that there should be compulsion to provide housing accommodation for workmen who are employed for more than one year, and not temporarily."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second the proposition."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"Your Excellency, let me say at once that I am very much inclined to sympathise with the idea of the Honourable Member that we should compel large employers of labour to properly house their employees. But I rather fear that this is too large an order for municipal councils to undertake to enforce in the present state of their development. I presume that, if something like that is to be done at all, it would have to be done under the Factories Act, which should be amended for this purpose, if necessary. But legislation as regards factory labour is reserved to the Indian Legislature under the new constitution, and, in any case, I do not think we can include a provision like this here without the sanction of the Government of India and without giving the owners of factories and persons engaged in industrial undertakings an opportunity of considering the suggestion. While I am personally inclined to sympathise with the proposal, I do not think this is the proper place in which to bring that idea in. I think that the proper course would be to treat this as an all India question, get the matter brought up in connexion with the Indian Factories Act, and deal comprehensively with the whole question of the obligation of large employers of labour to provide for their employees proper housing accommodation. But in a Town-Planning Bill like this, to move by way of amendment that, wherever a factory employs more than 100 workmen, it should build houses for them, I do not think that proper. As pointed out by me, this is very much more a Town-Planning Bill than a Housing Bill. While I certainly sympathize with the housing difficulty of very large numbers of people, I am inclined to think that this would not be the proper place for dealing with the question. That is the only ground on which I would deprecate the acceptance of the amendment."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"I rise to support the amendment. I am sorry the Honourable Member in charge finds himself unable to accept the amendment upon a

mere technical ground, but I would submit to the consideration of the Honourable Member in charge and of Your Excellency's Government the fact that this Bill is mainly a Town-Planning Bill which makes provision under clause 4 for the provision of houses for the poor and the working classes, and the amendment proposed deals with the way in which that object would be attained. If my learned friend says that municipal councils shall compel any one of these factory owners or employers of labour who employ more than 100 persons to provide houses for their employees, then all the objections raised by the Honourable Member in charge might be pertinent. All that my friend, Mr. Venkatapati Raju, wants is that municipal councils may, with the previous sanction of the Local Government, be allowed if possible to ask these large employers of labour to provide houses for their own employees.

"Your Excellency, if you will pardon me, I may say that it is on account of this large influx of the working population in the large municipalities that the problem of the extraordinary congestion of these big cities has arisen, and the municipalities find themselves unable to find houses for these people, or if they find houses they are miserable houses. It is much better to introduce a clause as to the accommodation of these poor classes, and it is only by so doing that the object of the Bill could be attained. I request Your Excellency's Government to accept the suggestion and not to oppose it on the ground that it is an all-India question, and all that could be done is to create an agitation for the amendment of the Factory Act. On this ground, I would submit that this proposal is a very essential one and it is in consonance with the objects of this Bill. So far as I see, no serious argument has been put forward as to why this proposal could not be accepted."

The Hon'ble Mr. B. VENKATAPATI RAJU:—"As pointed out by my Hon'ble friend Mr. Arumainatham Pillai, we are providing for the housing accommodation of the masses, and that, as previously explained by the Advocate-General, is the duty of the municipal council. We have suggested two methods for providing accommodation for workmen in factories. We either ask the employers to provide housing accommodation themselves or say that we would do it for them and hand it over to them, recovering the cost from them.

"The Hon'ble Sir P. Rajagopala Achariyar says that we cannot incorporate such a provision without the special sanction of the Government of India. At the same time he says he sympathises with the idea that employers of a large number of hands should provide accommodation for them. If the Government of India's sanction is necessary I think it is better to press this amendment and show to the Government of India that there is a concensus of opinion that such a provision ought to be made in the interests of the working classes and also to save much trouble to the municipalities. Perhaps the Government of India might consider the usefulness of such a provision. So I press it."

His Excellency the PRESIDENT:—"I would like to add one word to what my Honourable colleague has said. The whole position is this: Such legislation as would have to come under the Factories Act on this particular question is a reserved matter for the Government of India. If by any chance such an amendment as is suggested by my Honourable friend were put in this Bill, I have no doubt that when the Bill is sent to the Government of India they will say that that provision will have to disappear.

"Further I do feel with my Honourable colleague very strongly that in the first place it would be hardly desirable at the present time to hand over the control of such matters to municipalities. We all agree that everybody must house his employees in the best possible way, but, as two of my Honourable friends have suggested, it is but fair before we do anything of this sort deliberately in a particular legislative measure we should give the employers an opportunity of making such criticisms as they may think fit on such a question as this. I am sure Honourable Members are aware that nobody are more anxious than the Government to see that employees are properly housed. But we do think that this is not a suitable means of trying to secure better conditions of housing for them. Under the circumstances, we cannot accept the amendment."

Clause 36-B was put to vote and lost.

Proposed clause 36-A.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"The Hon'ble Mr. Venkatapati Raju has said that he would press 36-A only if there was not provision for it elsewhere. I have just had the District Municipalities Act looked into and I find that there is such provision. Under the District Municipalities Act one of the authorized heads of expenditure is the construction of model dwellings and the encouragement of co-operative building societies by loans or grants of land. That covers practically everything that the Honourable Member wants. I would therefore suggest that the amendment be withdrawn."

With the permission of His Excellency the President the amendment was withdrawn.

Clauses 37 and 38.

Clauses 37 and 38 were allowed to stand part of the Bill.

Clause 39.

The following amendments which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., were moved by the Hon'ble the ADVOCATE GENERAL:—

"*Omit* the proviso to sub-clause (1)."

(The Advocate-General ; Sir Rajagopala Achariyar ; Mr. Narasimha Ayyar.) [13TH JULY 1920.

" *Insert* the following as sub-clause (2) :—

'(2) Unless such notification shall otherwise provide, the functions exercisable by a municipal council and the chairman in such local area, under any provision of this Act so extended, shall, subject to the control of the district board, be exercised by the taluk board and its president, respectively '."

" *Re-number* sub-clause (2) as sub-clause (3), *omit* therefrom the words 'By a notification under sub-section (1)' and *insert* the words 'by notification in the *Fort St. George Gazette*' after the word 'also' in the second line, and the words 'Madras City Municipal Act, 1919, or the Madras' before the word 'District' in the fourth line."

In doing so, he said :—" These are all consequential amendments to section 39. Originally we had in the Bill only section 39, and, as the title of the Bill shows, it was intended primarily to apply the Bill to urban areas. Power was taken by this section to apply it to rural areas also. Subsequently we added a whole chapter by which a new body called the Town-Planning Trust was created both for rural and urban areas. That chapter again primarily applies to urban areas, but the provisions of that chapter can be introduced under this section into rural areas also. In consequence of this some changes are necessary in the wording of the section and advantage has been taken, as we are going to amend it, to put in the proviso to clause (1) as a separate clause inasmuch as it is a substantive clause by itself. Then we come to clause (2). As the clause now stands we can introduce these other provisions only at the time when we are introducing the provisions of this Act into rural areas ; we have no power to do so later when necessity arises as soon as some development takes place in those rural areas. For the purpose of enabling Government to introduce any of the provisions of the Municipal Acts, not merely at the time when they introduce the provisions of this Act into rural areas but also at a later time when these amendments are necessary. The amendments are these :—We substitute for the proviso a substantive clause which will be sub-clause (2). I would also, with His Excellency's permission, *omit* the words 'in such local areas' in sub-clause (2) as we are introducing these provisions to rural areas also and the words 'in such local areas' would be incongruous. Original sub-clause (2) is then re-numbered as sub-clause (3). The words 'by a notification under sub-section (1)' would necessitate the introduction of the provisions of the municipalities into the local area simultaneously with the introduction of the provisions of this Act. I have therefore suggested 'by a notification in the *Fort St. George Gazette*' so as to enable us to introduce the different provisions at different times."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second the amendments ".

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" May I know whether it is the intention to move all these amendments together ? "

The Hon'ble the ADVOCATE-GENERAL :—" I dealt with them all together so that you may know the object of these amendments. If you split them you will feel some difficulty in understanding them."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I wish to mention a slight difficulty in accepting the amendments as they stand and to suggest the necessity for an addition. I think they are all satisfactory, but the result of putting them in would be that in every district we would be contemplating a taluk board. In fact, in some districts there are no taluk boards. For instance The Nilgiris. So a definition may be added that taluk boards in cases where there are no taluk boards mean district boards."

The Hon'ble the ADVOCATE-GENERAL :—" In cases where there are no taluk boards it is the district boards that perform the functions of the taluk boards.''

The amendments were put to vote and carried.

Clause 39 as amended was allowed to stand part of the Bill.

Clauses 40 and 41.

Clauses 40 and 41 were allowed to stand part of the Bill.

Clause 42.

The following amendment, which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the ADVOCATE-GENERAL :—

In sub-clause (3), *insert* the word 'Madras' before the word 'district' in the penultimate line.'

In doing so, he said :—"It is a formal amendment. It is not merely the 'District Municipalities Act' but the 'Madras District Municipalities Act'."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second the amendment."

The amendment was put to vote and carried.

Clause 42 as amended was allowed to stand part of the Bill.

Clause 43.

Clause 43 was allowed to stand part of the Bill.

13TH JULY 1920.] *(The Advocate-General; Sir Rajagopala Achariyar; Mr. Venkatapati Raju; Mr. Siva Rao.)*

Clause 44.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar was moved by the Hon'ble the ADVOCATE-GENERAL :—

In sub-clause (2) (*b*) *substitute* the letter (*q*) *for* the letter (*p*) in the third line.

In doing so, he said :—" This again is a consequential amendment."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second it."

The amendment was put to vote and carried.

The Hon'ble Mr. B. Venkatapati Raju did not press the following amendment of which he had given notice :—

In sub-clause (2) (*e*), *substitute* the words ' the Town-Planning Fund and those that shall be met from the Provincial Town-Planning Fund ' in the place of the words beginning with ' current revenues ' to the end of the clause.

With the permission of His Excellency the President the amendment was withdrawn.

Clause 44 as amended was allowed to stand part of the Bill.

Clause 45.

The following amendments which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., were moved by the Hon'ble the Advocate-General :—

In sub-clause (1) *omit* the words ' at the request of the municipal council or district board concerned or otherwise '; *insert* the words ' in a municipality or in its vicinity ' after the word ' area ' in the fifth line; *insert* the words ' by notification in the *Fort St. George Gazette*' *after* the word ' may ' in the seventh line.

In doing so he said :—"The first amendment we propose is to omit the words in section 45 ' at the request of the municipal council or district board concerned or otherwise '. Power is given to the Local Government to decide when they will have a special Trust Board created for carrying out a particular scheme. When the Government is vested with that power it is useless to have an additional thing ' at the request of the municipal council or district board concerned.' So it is proposed to *omit* ' at the request of the municipal council or district board concerned or otherwise '. It makes them unnecessary and useless.

" I do not propose to move the second amendment which is on the paper, namely, to *insert* the words ' in a municipality or in its vicinity '.

" The third amendment is, between ' may ' and ' constitute ' *insert* the words ' by notification in the *Fort St. George Gazette* '. We propose that the constitution should be by a notification in the *Fort St. George Gazette* in order to give publicity to the fact that the Government is constituting a board for the purpose of working out a particular scheme so that, instead of being merely an executive order issued under the authority of Government and communicated merely to the persons concerned, it should be Government notifications."

These are the amendments proposed to clause 45.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I second the amendments."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, unlike the other amendments proposed by Government with reference to several matters it is an important principle they wanted to introduce. According to the original Bill as well as the Select Committee they did not want to take it purely as an executive matter. But they wanted to take it in consultation with the municipality because they have started ' at the request of the municipal council or district board '. Therefore not only, at least for the sake of formality the municipalities and district boards should be consulted in the first instance, they should take their own opinion; and even this they want to avoid by this amendment by saying an ' executive order.' But I say it is a departure from what was approved by the Select Committee. Now especially at a time when you want to saddle a municipality with all the expenditure it is not proper that the Government should on its own initiative appoint a Board of Trustees to manage their estates as they please and ask the municipality to pay for even the loss incurred by the Trust. If the Government is prepared to pay out of its pocket any loss incurred I can well understand. Instead of being this you ask the municipality to pay for it. I think it is highly necessary that the municipality or district board who will eventually have to meet the cost of any loss should be consulted and their advice taken instead of being an executive order from the Local Government without taking responsibility for paying for any loss sustained by such an Act."

The Hon'ble Mr. P. SIVA RAO :—" I oppose this amendment. It means this. Sections 45 to 47 deal with the constitution of the City Improvement Trusts and clause 45 as it now stands indicates generally as to how action should be taken, how these Town-Planning Trusts should ordinarily be created. It indicates that they ought to be created ordinarily when the municipal council or district board concerned applies for the formation of such trusts. It also provides that in exceptional circumstances the Local Government may themselves take the initiative, but ordinarily the present provision reads ' municipal councils or district boards affected or concerned are the proper authorities to move in the matter '. I should very much like that the present provision should remain as it is. Because it means that at least these local bodies will be consulted before these trusts are thrust upon any local area."

The Hon'ble Rao Bahadur N. SUBBA RAO :—" Hereafter greater powers are going to be given to the municipal councils and district boards and that means district boards and municipal councils should be trusted more to share the responsibilities that will be thrown upon them. So, under those circumstances, it will be going behind the times if we do not even consult the district boards and municipal councils. The clause as amended would read like this : 'When the Local Government decide that the interests of town-planning in any particular area in a municipality or in its vicinity will be best served by entrusting it to a special board, etc.' Therefore, I would suggest to Your Excellency that it may be worded in this way : 'When the Local Government find it desirable after consulting the municipal council or the district board concerned or otherwise find it necessary to have a Town-Planning Trust, they may do so.' I submit, Your Excellency, that I can very well imagine that there may be cases in which the municipal council or district board may not at all make any request and that the Government may find that the Trust is absolutely necessary. Of course it is better that the law must provide for such contingencies. What I submit, therefore, is that the Government may consult the authorities concerned and if after hearing them the Government thinks that a Town-Planning Trust is absolutely necessary, then of course the Government has got the power under the Act to do it."

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—" I also oppose the amendment. The words 'or otherwise' give Government complete power of interference even though the municipal council or district board may not make a request, and even if they oppose it, they can interfere. I would, therefore, leave the clause as the Select Committee left it."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—" With Your Excellency's permission, may I be allowed to suggest an amendment to the Advocate-General's amendment which would satisfy Honourable Members. I would add the following words *after* the words Local Government 'after consulting the municipal council or the district board concerned decide that the interests of town-planning will be best suited '."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I have no objection."

The Hon'ble the ADVOCATE-GENERAL :—" I may say at once that it is not the intention of the Government to do things without consulting the authorities concerned. I presume they will always consult as they have always consulted. If you want to have it here specifically, I would not have any objection, but I would not add 'district boards' because in various other sections later on you merely refer to the municipal councils and this chapter also primarily applies to municipal councils and by the special power under section 39 you have to introduce those provisions also. If you introduce the words 'district boards' in this section, you will have to introduce those words in the other sections in this chapter."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—" I would drop the words 'district boards'."

The Hon'ble the ADVOCATE-GENERAL :—" Then so far as this amendment is concerned, the clause would run as follows : 'When the Local Government after consulting the municipal councils decide that the interests of town-planning in any particular area, etc., etc.' If that is the wish, I have no objection. With Your Excellency's permission, may I read what the section as amended is to be ? 'When the Local Government after consulting the municipal council decide that the interests of town-planning in any particular area will be best served by entrusting it to a special board, they may by notification in the *Fort St. George Gazette* constitute such board, etc."

The amendment as now proposed by the Advocate-General was put to vote and carried.

The following amendment stood in the name of the Hon'ble Mr. B. VENKATAPATI RAJU :—

In sub-clause (1), *omit* the words 'or district board' in the second line ; and also *omit* the words 'or otherwise' in the third line.

He said :—" These words have been omitted from the clause as amended and carried. It is therefore unnecessary to move this amendment."

With the permission of His Excellency the President the amendment was withdrawn.

Clause 45 as amended was allowed to stand part of the Bill.

Clause 46.

The following amendments which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., were moved by the Hon'ble the ADVOCATE-GENERAL :—

In line 2 of sub-clause (1) (*b*) *substitute* the word 'other' *for* the word 'the' before the word 'local' and in line 3 the word 'authorities' *for* the word 'boards'.

Insert the following as sub-clause (2) :—

'(2) The Trust may also include representatives of railway, tramway or other transport companies, chambers of commerce, co-operative societies and similar bodies or associations, either elected or nominated by them.'

Re-number existing sub-clauses (2) and (3) as sub-clauses (3) and (4) ; and in present sub-clause (2)—which will be now sub-clause (3)—

(*a*) *substitute* the word 'authorities' *for* the word 'bodies' in line 4 ;

(*b*) *omit* the word 'and' in line 5 ; and

13TH JULY 1920.] *(The Advocate-General ; Sir Rajagopala Achariyar ; Mr. Venkatapati Raju ; Mr. Venkatapayya Pantulu.)*

(c) before the full stop in line 7, *insert* the following :—

'and the number of trustees to be elected or nominated under sub-section (2) and the bodies or associations by whom they shall be elected or nominated.'

In doing so, he said : "The substance of the amendment proposed to this section apart from the wording is only this. Besides the local boards and the municipal councils, there may be other local authorities, say, for instance, cantonment authorities, and there may be town-planning schemes which may include such areas also. Then it is also intended that in the constitution of the Trust provision should be made for representations of, say, railway authorities, tramway authorities and such like bodies and it is for the purpose of giving effect to such an intention that the amendments, which you find here Nos. 47, 48 and 49—and all of them hang together—are proposed to clause 46. The first amendment there is in line 2 of sub-clause (1) (b), that is, the Trust shall consist of persons elected by the members of the municipal council or, as it stands now, 'of the local boards.' Instead of that, the words 'or other local authorities' are substituted so that it may include not merely local boards but also, as I said before, cantonment authorities. So we use the more general word 'authorities' instead of the word 'boards'. That is the first amendment.

"The second amendment is, a new sub-clause (2), so that the Trust may also include the representatives of railway, tramway, or other transport companies, chambers of commerce, co-operative societies and similar bodies or associations either elected or nominated by them. For this, there was no provision previously in the constitution of the board, so we introduce it.

"Then we re-number clauses (2) and (3) as (3) and (4). This inclusion of the representatives to sub-clause (2) will be substantial and the others are all merely consequential. Then we insert the following : 'and the number of trustees to be elected or nominated under sub-section (2)' because we give power to them either to hold an election or to nominate as they choose. These are the amendments proposed in the constitution of the board. The main point is we want to include 'other authorities' who may not be either municipal councils or local boards. The other amendment is the representation of those particular bodies on the trust board."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I second the amendments."

The amendments were put to vote and carried.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

"*Omit* sub-clause (3), but *substitute* that 'each trustee shall hold office for three years only, provided the Trust is not dissolved under section 53 in the meanwhile'.

"Your Excellency, sub-clause (3) says that each trustee shall hold office for five years whereas in other Provinces they have provided only for three years. There is no object of keeping this trustee when his business as trustee is finished. I therefore propose that each trustee shall hold office for three years provided the Trust is not dissolved under section 53 in the meanwhile. If it is dissolved the Trust has no *locus standi*."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"May I point out this with regard to the difficulty raised by the Hon'ble Mr. Venkatapati Raju, that if a trust is dissolved, the office of trustee *ipso facto* ceases to exist? In regard to the period itself, this question was considered at considerable length by the Select Committee and we came to the conclusion that, unless each holder occupies the office for a fairly long period, there would be no continuity of policy. I think the question whether three or five years should be fixed was discussed at length and the conclusion was that it should be five years and I would therefore advise no change."

The amendment was put to vote and lost.

Clause 46 as amended was allowed to stand part of the Bill.

Clauses 47 *to* 49.

Clauses 47 to 49 were allowed to stand part of the Bill.

Clause 50.

The following amendment which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., was moved by the Hon'ble the ADVOCATE-GENERAL.

In sub-clause (1) *after* the words 'Provisions of' *insert* the words 'Chapters I to VIII of'.

In doing so, he said :—"The amendment proposed is merely to make this section consistent with the rest of the Bill. The section as it is reads thus :—

'When a trust has been duly constituted, the provisions of this Act shall, within the area entrusted to it for town-planning purposes, apply in full as though the words "trust" and "Chairman of the trust" were substituted for "municipal council or council" and "Chairman of the council or chairman" wherever these latter expressions occur in this Act.'

"The amendment provides for the vesting in that Trust powers which are vested by the previous Chapters I to VIII, in municipalities or chairmen of municipalities. It is therefore necessary that this amendment should be made.

"'When a Trust has been duly constituted the provisions of Chapters I to VIII of this Act shall apply.' Chapter I cannot possibly apply. The expression occurring at the end of the clause 'wherever these latter expressions occur in this Act' will have to be omitted, in consequence of the previous amendment. Unfortunately no notice was given of this amendment. I therefore ask the special permission of His Excellency to delete the last clause 'wherever these latter expressions occur in this Act', as it is only consequential. The section as amended will read thus: 'When a trust has been duly constituted, the provisions of Chapters I to VIII of this Act shall, within the area entrusted to it for town-planning purposes, apply in full as though the words "Trust" and "Chairman of the Trust" were substituted for "municipal council or council" and "Chairman of the Council or Chairman."'"

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I second them."

The amendments were put to vote and carried.

Clause 50 as amended was allowed to stand part of the Bill.

Clause 51.

The Hon'ble Mr. B. VENKATAPATI RAJU moved the following amendment :—

"*Add* a proviso at the end of clause 51, sub-clause (1), to the following effect :

'Provided that, if the Local Government creates a Town-Planning Trust against the wish of the municipal council, the chairman of the municipal council shall not be compelled to pay any amount from the general municipal fund but the Trust Fund should be utilized and the deficit if any should be reimbursed from the Provincial revenues'.

In doing so, he said :—"We have created a Trust after consulting municipalities. If the municipalities agree it is all right. But what I say is this. If against the consent of the municipality a trust is created by the Local Government and a chairman is appointed by the Local Government whose membership continue for a sufficiently long period of five years to manage the Trust as he pleases uncontrolled by the municipality, and if the Trust suffers any loss the Trust Fund must be utilized for the purpose. If that is not sufficient, why should the municipality pay for it? When the Government has done all that and if the municipality has agreed it is a different matter.

"If the Trust launches upon any undertaking in such a manner as to cause loss to the municipality why should the municipality be asked to pay? If the Trust Fund will not be sufficient to meet that purpose the only course is that Provincial funds should provide for it."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I second it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I have only to point out that the trust is an auxiliary body to carry out municipal purposes and there is no meaning in saying that, because the Government have created the trust without the concurrence of the local body, the latter has ceased to have any responsibility in the matter. That sort of argument may be carried to any length. It may be said that, whenever the Central Government exercise control over a local body of any kind, that local body should wash its hands of all responsibility. May I also point out that it is not merely the question of making the local body pay for the debts of the Trust? Under clause 53 all properties, funds and dues which are vested in and realizable by the Trust and the chairman respectively shall vest in and be realisable by the municipal council and the chairman of the council respectively. I presume that the Honourable Member has no objection to the municipal council inheriting all the properties of the trust. Apparently his objection is to its inheriting the liabilities of the trust and it seems to be somewhat an one-sided arrangement that he proposes. I am for following the more logical course. I therefore oppose the amendment."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"I am sorry the Hon'ble Sir Rajagopala Achariyar has not understood me. Whenever a debt has to be discharged, it must be paid from the assets. Nobody wants the assets without the liabilities. What I say is, if the assets are not sufficient, do not ask me to provide for it. I do not want to appropriate any property and I do not want to refuse liability. My question is, if there is any deficiency, who is to pay for it? Is it the person who has nothing to do with it? With reference to the control, this is a control which can be exercised by the municipality and the Local Government. The municipality has not got the power to carry out what it wants. There is always this danger. Whenever a middle party is appointed if the Government were to pay, they will carefully look how the middle party manages the affairs. But if it is from municipal funds, there will be nobody to look after it and there will generally be extravagance, and much money will be wasted by the third party. Therefore I suggest that it should be made compulsory for the Provincial Government to contribute so that every pie which is spent may be spent usefully and economically. If the municipalities are to pay, it will be left to the ordinary course of auditing once a year how the matter is adjusted and how it is being carried on without any detailed scrutiny. If the Government money is spent, they will scrutinize every pie that is spent. Therefore I think that the Government should undertake to contribute a portion of the cost of that body."

The amendment was put to vote and lost.

Clause 51 was allowed to stand part of the Bill.

Clause 52.

Clause 52 was allowed to stand part of the Bill.

13TH JULY 1920.] *(Mr. Venkatapati Raju; the Advocate-General; Sir P. Rajagopala Achariyar; Mr. Narasimha Ayyar.)*

Clause 53.

With the permission of His Excellency the President the Hon'ble Mr. B. Venkatapati Raju withdrew the following amendment which stood in his name.

At the end of sub-clause (*b*), *add* the proviso stated above as an amendment to clause 51, sub-clause (1).

Clause 53 was allowed to stand part of the Bill.

Clause 54.

The following amendments which stood in the name of the Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar Avargal, K.C.S.I., C.I.E., were moved by the Hon'ble the ADVOCATE-GENERAL: —

In sub-clause (1) (*a*), *insert* the word 'nomination' *after* the word 'election.'

In sub-clause (1) (i), *insert* the words 'financial and other' after the word 'relations' and *substitute* the word 'authorities' *for* the word 'bodies.'

In doing so, he said:—"There are two amendments to this clause of which notice is given. The first of them is to clause (1) (*a*). The amendment is the addition or insertion of the word 'nomination' *after* the word 'election,' that is, as to the nomination and appointment of trustees. That is an amendment consequential on the one made to section 46 in the constitution of the Trust Board, by giving power to various bodies to put in persons in the Trust Board either by nomination or by election. That is why the word 'nomination' is introduced in that clause. The other amendment that I propose is to sub-clause (i) which reads 'as to the mutual relations of a Trust and local bodies'. I want to draw prominent attention to the most important of such relation, that is, finance. Therefore we want to add after the words 'mutual relations' the words 'financial and other'."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"I second the amendments."

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"I wish to make one observation. I think throughout in these matters we have been adopting our phrases to suit the language of the amended Acts and avoided the word 'nomination.' We always use 'appointment.' Now we here use this word nomination. That is the word we used to employ formerly with reference to non-elected members. Throughout the Municipalities Act we have been using the word 'appointment.' I think it is undesirable that we should make a departure at present. It is better to have the word 'appointed' and not 'nominated."

The Hon'ble the ADVOCATE-GENERAL:—"Section 46, as I have already pointed out, gives power to these various bodies to appoint persons to the Trust Board either by election or by nomination. I am afraid it is necessary to introduce it here after it has been introduced in section 46. Otherwise it would mean, you can make rules only in regard to elections and appointment and you cannot make rules in regard to nominations by local bodies. After all the wording makes no difference."

The amendments were put to vote and carried.

Clause 54 as amended was allowed to stand part of the Bill.

The motion that the preamble do stand part of the Bill was put to vote and carried.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"Under rule 51 I move that the Bill be passed into law."

The Hon'ble the ADVOCATE-GENERAL:—"I second the motion."

The motion was put to vote and carried.

THE MADRAS LOCAL BOARDS BILL, 1920.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR:—"Your Excellency, I beg to introduce the Madras Local Boards Bill. The present Madras Local Boards Act has remained substantially the same since it was enacted 36 years ago, though changes of a minor character were made on a few occasions. Your Excellency's Government have, however, been anxious that the several laws bearing on local self-Government should be brought up to date; and they have within the last two years addressed themselves to the task of carrying through a complete programme of local and municipal legislation. That programme included (1) the Madras Prevention of Adulteration Act of 1918, which came into force in 1919; (2) the Madras City Municipal Act of 1919, which came into operation in October 1919; (3) the Madras District Municipalities Act of 1920, which will be brought into force in October 1920; (4) the Madras Town-Planning Bill, which has just been passed into law; (5) the Madras Local Boards Bill, the present measure, which I have the honour of introducing; and (6) the Madras Village Panchayats Bill, which will, I hope, be introduced in the August Session. The Government would, if allowed, complete this programme before the reformed legislature begins its work, so that the work of the Minister of the future, who will be in charge of local self-Government, may not be hampered at the very outset by a volume of incomplete legislation.

"Honourable Members are doubtless aware of the thorough examination to which the Royal Commission on Decentralization subjected the whole field of local self-Government. That was over ten years ago. The recommendations of the Commission were referred to the Madras

(*Sir Rajagopala Achariyar.*) [13TH JULY 1920.

Government and the Government of India finally issued a resolution in 1915 embodying their views on the various points that arose for decision in that connexion. In the same year the draft of a Bill to amend the Madras Local Boards Act was prepared by Mr. A. Galletti, under the supervision of my distinguished predecessor Sir Sivaswami Ayyar. Subsequently it was thought desirable to invite suggestions from all district boards for the amendment of the Act. These were received in the course of the year 1916 and were then published. In November 1917 a mixed committee of officials and non-officials sat and scrutinized the draft Bill and advised the Government on its provisions. Sir Robert Clegg was then placed on special duty for examining the Bill with reference to the suggestions of that committee. Soon after, the Government of India Resolution of the 16th May 1918 was received and a further scrutiny was rendered necessary. The discussions and debates on the City Municipal and District Muncipalities Bill entailed a fresh instalment of work in connexion with the measure. The Bill now before you has been in preparation for over five years and various officials and non-officials have at different stages contributed to make it what it is now.

"It was originally intended to introduce this only as an amending Bill, but on further consideration it has been decided, with the approval of the Government of India, to introduce the whole of the existing Act with the proposed amendments worked into it. The Government have taken this step so as to help a correct understanding of the measure and a full and proper consideration of its details. And it would be open to Honourable Members to propose amendments of their own of other sections of the Act which the Bill as it stands does not propose to amend. In other words the whole of the existing law is put before the Council as a Bill to be dealt with by Honourable Members in whatever way may appear to them most suitable.

"I shall now refer briefly to some of the more important changes which the Bill makes. Revenue Divisional Officers will no longer be ex-officio members of district boards, but presidents of taluk boards will be instead. All officials except village headmen are declared ineligible for election. As regards outside control, while the powers of the Collector and of the local Government have been retained, those vested in the Revenue Divisional Officer have been taken away. Provision is made for direct election of district board members by the tax-payers and inhabitants of the district board area, a matter about which I am personally somewhat doubtful, for the appointment of standing committees of local boards with delegated powers and for putting outsiders on such committees.

"The inelasticity of the resources of local boards has for years exercised the minds both of the Government and of the public. The Bill makes an attempt to meet this difficulty. Honourable Members will, many of them, remember the public spirited manner in which the district board of Coimbatore suggested in 1913 that the maximum rate of the land-cess might be raised to two annas in the rupee of the annual rent value. Some of the district boards that were consulted on this point also reported that the present maximum of one anna (which applies to all districts except Malabar, South Kanara and The Nilgiris) was inadequate. The Bill fixes the ordinary maximum at two annas in the rupee and permits of its being raised higher with the special sanction of the local Government. Local boards will be at liberty to vary the rate within the limit fixed. In regard to the other taxes and tolls, the previous approval of the local Government is done away with, provided those taxes and tolls are levied within the limits fixed. A pilgrim tax, on lines similar to those prescribed in the District Municipalities Act, a licence fee on motor busses, an alteration of the method of assessing the house-tax in unions, and a revision of the rate of tolls on motor vehicles, are among the other attempts at improving local board resources. In regard to the provision for the levy of a surcharge on income-tax, the Government of India have now called upon us to delete this provision on the ground that income-tax is an Imperial source of revenue and that they are unable to agree to the imposition of a surcharge thereon for the benefit of local boards. This decision is regretted, especially after the acceptance of the provision for the surcharge in the District Municipalities Act, but we are bound by the Government of India's decision and the clause will have to be deleted.

"The restrictions in regard to the entertainment and varying of establishments contained in the existing Act are largely relaxed and local boards will have freedom to vary their establishments within the limits which the Government may fix. They will also have a free hand in shaping their budgets in respect of which the Government control will be confined to ensuring the maintenance of an adequate working balance and seeing that due provision has been made for the discharge of debts, if any. Provision for the construction and maintenance by district boards, of tramways, railways and other transport services, or for assisting such construction or maintenance, and larger powers for dealing with encroachments, public nuisances and infectious diseases, are among the other improvements effected by the Bill. I would also in this connexion draw attention to clause 143 (*c*) of the Bill which provides for the extension, by notification, to any union or other specified area whithin the jurisdiction of a district board, of any of the provisions of the District Municipalities Act, subject to such restrictions and modifications as the local Government may think fit to make.

"I refrain from referring to further details, which Honourable Members can gather easily from the copies of the Bill and the Statement of Objects and Reasons supplied to them. I am prepared for the criticism that the Bill does not go far enough in certain directions. By way of answer I would invite attention to the fact that the Bill was first drafted about five years ago and it was originally intended to be introduced only as an amending Bill. It was not till recently that the Government accepted the view that, following what has been done in the case of the City Municipal Act and the District Municipalities Act, the whole of the existing Local Boards Act should be placed before Honourable Members for amending as they please. That

is why, instead of being brought as an amending Bill, the whole Act with the amendments has been put in the form of a Bill, so that it is open to any Honourable Member to amend any clause which he wishes. There is nothing which stands in the way of the law relating to local boards being dealt with substantially in the same way as those relating to the city and the district municipalities. It will be within the competence of the Select Committee to do that and I do hope that the members of that committee will not hesitate to take advantage of the opportunity afforded to them, to go into the whole matter most carefully, and to introduce such changes as they may consider necessary.

"That the Bill in its present form is not perfect may be conceded at once. I could myself mention several matters in respect of which the Bill could possibly be improved upon. Objection will no doubt be taken—and not altogether without reason—that the Bill has failed to embody the definite principle which has recently been accepted in the case of the district municipalities, viz., that the elective principle should be applied to all local boards unless the Government direct otherwise—for reasons to be communicated in writing.

"The absence of a provision that the proportion of nominated members on a taluk board should not ordinarily exceed one-fourth may be taken exception to by some of my non-official friends. Others may desire an amendment of the existing law in the direction of providing that presidents of local boards should ordinarily be elected by the boards themselves. The contents of Chapter V relating to unions may possibly require overhauling, especially in view of the provisions of the coming Village Panchayat Bill. Clauses 147-A to 147-H relating to election offences may require detailed examination with reference to the provisions of the Corrupt Practices Bill recently published by the Government of India and it would be a matter for consideration, following what has been done in the District Municipalities Act in regard to the appointment of engineers and health officers in the larger municipalities, whether we should not make a move in that direction by putting the district board engineer and the district health officer on a footing similar to that occupied by the health officer and engineer in the larger municipalities.

"If it is the wish of Honourable Members that changes should be made in these and similar directions during the progress of the Bill, the Government will raise no objection to that being done. The Government desire it to be understood that this is to be—and I do hope that it will be so considered by the Council—entirely a matter for Honourable non-official members to settle. We have in the present Council several non-official presidents of local boards. Their experience should be useful in the final shaping of this measure. They will all go into the Select Committee and I may also state for the information of the Council that the only official members whom the Government propose to put on the committee are the Advocate-General, the Surgeon-General and myself ; and we shall be there for placing before the committee such information as by our experience we may lay claim to. We shall be there as the advisers of our non-official brethren. The last word as regards the shaping of the provisions of the Bill in the Select Committee will thus be with the Honourable non-official members appointed to it, and I have every confidence that they will discharge their duties with credit to themselves and to the satisfaction of this Council.

"I move that that the Madras Local Boards Bill be now read."

The Hon'ble the ADVOCATE-GENERAL :—"I second it."

The motion was put to vote and carried.

The Secretary then read the title of the Bill.

The Council then adjourned till 11 a.m. on Wednesday, the 14th July 1920.

F. J. RICHARDS,
Acting Secretary to Govt., L. & M. (Legislative) Dept.

Proceedings of an adjourned Meeting of the Council of the Governor of Fort St. George assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 5 & 6 Geo. V, Ch. 61.

The Council reassembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 14th day of July 1920.

PRESENT:

His Excellency the Right Hon'ble Lord WILLINGDON of RATTON, G.C.S.I., G.C.I.E., G.B.E., Governor of Madras—*Presiding.*

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E.,

The Hon'ble Mr. L. DAVIDSON, C.S.I.

The Hon'ble Mr. C. G. TODHUNTER, C.S.I.

The Hon'ble Mr. A. Y. G. CAMPBELL, C.I.E.

The Hon'ble Mr. S. Cox.

The Hon'ble Major-General G. G. GIFFARD, C.S.I, I.M.S.

The Hon'ble Mr. R. A. GRAHAM.

The Hon'ble Mr. W. J. J. HOWLEY, C.S.I.

The Hon'ble Mr. R. LITTLEHAILES.

The Hon'ble Mr. E. S. LLOYD.

The Hon'ble Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, I.S.O.

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*Advocate-General*).

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI Garu, *Kt.*

The Hon'ble the Rev. E. M. MACPHAIL, C.B.E.

The Hon'ble Mr. C. V. S. NARASIMHA RAJU.

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU.

The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU Garu.

The Hon'ble Mr. P. SIVA RAO.

The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR.

The Hon'ble Mr. B. V. NARASIMHA AYYAR.

The Hon'ble Mr. V. MADHAVA RAJA, Elaya Nambidi of Kollengode.

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR Avargal.

The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI Avargal.

The Hon'ble Sri RAJA RAO VENKATA KUMARA MAHIPATI SURYA RAO Bahadur, Raja of Pithāpuram.

The Hon'ble B. RAJA RAJESWARA SETUPATI alias MUTTURAMALINGA SETUPATI Avargal, Raja of Ramnad.

The Hon'ble Mr. B. VENKATAPATI RAJU.

The Hon'ble Khan Bahadur HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur.

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR SAHIB Bahadur.

The Hon'ble Mr. J. H. THONGER.

The Hon'ble Mr. T. ARUMAINATHA PILLAI.

The Hon'ble Mr. M. C. RAJA.

The Hon'ble Mr. M. D. DEVADOSS.

The Hon'ble Mr. H. H. G. MITCHELL, O.B.E.

The Hon'ble Khan Bahadur N. MUHAMMAD USMAN SAHIB Bahadur.

The Hon'ble Rao Sahib M. C. MUTTAYYA CHETTIYAR Avargal.

The Hon'ble Rao Bahadur T. NAMBERUMAL CHETTI Garu.

The Hon'ble Raja Sri KRISHNA CHANDRA GAJAPATI NARAYANA DEO Garu, Zamindar of Parlākimedi.

The Hon'ble Mr. T. RICHMOND.

The Hon'ble Rao Bahadur N. SUBBA RAO Avargal.

THE MADRAS LOCAL BOARDS BILL, 1920.

The discussion on the Madras Local Boards Bill was resumed.

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I have got to begin the proceedings this morning with an apology. It looks rather fruitless to go on repeating the arguments which have been once previously discussed in connexion with another Bill. But I am constrained to do something apparently in the same direction for reasons which will presently appear. I have now got the duty of suggesting to the Honourable Members of this Council to consider the advisability of postponing the consideration of this Bill till the new reformed councils come in. I think it by far the best to condense discussion and really point out what exactly is now to be urged in addition to what has been previously said. There is no question of distrust of the Government. There is no question of any unwillingness on the part of Government to encourage the non-official members to make the measure more popular. It is not on any of these grounds that an adjournment of the consideration of this Bill is suggested. Nor of course, I think, wlll Honourable Members credit me with any desire for obstructiveness or with a desire simply to put off the evil day of doing work. None of these considerations have weighed with me and with those friends of mine who are now of the same opinion in trying to put off this measure.

"The real point is that there are at least a few matters of great importance in respect of which the public have not had time to pronounce and in respect of which even though we take up the measure, say in December, there would not be sufficient time to concentrate public attention and get the advantage of public opinion. No doubt as pointed out by the Hon'ble Sir P. Rajagopala Achariyar the experience of a large number of District and Taluk Board Presidents will be available in the Select Committee and we must credit them with the intention to make it as perfect as possible. But in some matters it will not be possible even for the elected members of the various boards to come forward and give a final verdict apart from the real decision of the community.

"I take for instance the raising of the limit of land-cess either to two annas or something higher as the Government may direct or permit. On the matter of land-cess it may be recollected that we had a lot of agitation. The Coimbatore proposal was much more moderate. Instead of the maximum limit of land-cess being one anna in all but three districts—Coimbatore suggested that it may be two annas. A very large number of districts came to the conclusion that that was not desirable and that as taxation was already bearing very heavily on the slender resources of the poorer landlords it was not desirable to increase the land-cess, by providing for a maximum of two annas. We are now asked to consider the question of raising it either to two annas or anything higher that the Government may permit. This is a very important question. I do not say that all increase in taxation should necessarily be opposed and should necessarily make us put off legislation. But what I wish to point out is this, that this is a matter on which we find that public opinion could not be gathered in the space of a few months.

"In a few months the life of this Council will be over. Will a month or a month and a half be sufficient to enable the public to give proper attention to this matter? There are, I know, a few optimists who will say 'we have been elected to represent the public'. I submit in matters of such importance it is not right for a representative, to rush offhand to a decision. It is a matter of very great importance I repeat. I need not represent that the incidence of land taxation has been felt to be very great and has been specially pointed out by the Decentralization Commission as heavy. The imposition of land-cess is not a trivial matter for us to decide offhand. As an illustrative point I have drawn the attention of the Honourable Members of this House to the land-cess question and to the necessity to put off this Bill till the public has got sufficient occasion to pronounce its opinion. It is only a month back that this Bill came before the public. The public no doubt, it may be said, will always oppose extra taxation. There is therefore no particular advantage in having more than one month. But I may point out that there is such a thing as educated and cultured opinion also as part of public opinion. There are persons who fully realize that extra taxation would become necessary. It is a fact known to all Honourable Members that the country is trying to divide itself into various parties. There may be no sharp difference on many matters but there will be some difference and the question of the incidence of taxation will come into the party programme. Now if the parties which are led by thoughtful men of great ability, apart from and prior to the decision of the country, have to decide on this particular matter, it will take a lot of time even for them to arrive at a decision. There will be a number of parties, the Nationalist Party, the Moderate Party, the Justice Party. These parties will not be able to come to a conclusion offhand in the course of a few days. What I wish therefore to point out is that this matter has to be postponed so as to give all these parties and the general public before whom the party programmes will come, time to consider exactly what the situation of various groups must be, and what the conclusion of the country must be. Thus land-cess is one of the very good illustrations of the matters necessitating an adjournment. Then there is the question of *wholly elected* councils. We hold the strong opinion that we want *wholly elected* councils. The present measure is surely illiberal in that respect. The Hon'ble Sir P. Rajagopala Achariyar pointed out that there are certain illiberal features which could be amended by the Select Committee. There are certain communities which hold certain opinions on what is called nomination. Therefore they wish to put forward certain qualifying clauses. Now it is quite on the cards that in framing a policy of certain parties a good portion of the minorities may

14TH JULY 1920.] (*Mr. Narasimha Ayyar ; the President ; Mr. Ramanuja Achariyar ; Mr. Sivagnanam Pillai.*)

come to an agreement and if therefore there is some agreement between parties it is quite possible for the reformed council to come to a compact that a fully elected council should be provided for with certain safeguards for certain communities. That is another illustration of a matter which requires considerable time to settle. The parties have to settle certain programmes and they want time to arrive at any conclusion. No doubt there are certain general features on which the parties have to come to a conclusion. But that is not sufficient to meet any concrete legislative proposals. Therefore as we are starting a new life on the lines recognized in the west, it is necessary to have the advantage of popular opinion on some of these matters. I therefore think it is desirable that this Bill should be postponed till the new councils come in. There are a few other reasons, but they are not of very much importance. I mean the reasons for the postponement of the consideration of the Bill. I am quite sure that a few other members who speak on this matter might urge some of them, but I deprecate any criticism of my attitude and the attitude of my friends that we are pessimistic of the capacity of Honourable Members, that we are not inclined to work and that we will not allow the Government to do the work for which they are paid. In fact all these arguments advanced last time by Your Excellency are still ringing in our ears. After giving the fullest weight to them we find that it is not proper for us to go on ignoring the public and say legislation shall be on such and such lines. It would be absolutely essential to consult the country and obey the verdict of the country unless there is anything very extraordinary which would demand immediate attention. For these reasons I would entreat honourable gentlemen here to agree to the proposal to put off this measure till the coming council.

"I think Your Excellency may take this as a separate motion for adjournment. So far as the Bill is concerned if it is taken into consideration I have got several points to mention. I should like to point out certain illiberal features which have been alluded to by the Hon'ble Sir P. Rajagopala Achariyar. I put forward this as a motion for adjournment of this measure. I think it will be best to consider that matter by itself."

His Excellency the PRESIDENT :—" Would it be simpler if you were to oppose the motion of my honourable colleague which he made yesterday for the first reading of the Bill ? This seems to me to be the simple way to deal with the matter."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" In that case I have to point out the features which I object."

His Excellency the PRESIDENT :—" I think it is a simpler and more orthodox way if the Honourable Member does not want the Bill."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I shall be guided by the experience of Your Excellency. Therefore I shall take it as an opposition to the first reading."

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—" I am very sorry to differ from the Hon'ble Mr. Narasimha Ayyar. Similar objections were taken to the Madras City Municipal Act and the Madras District Municipalities Act. After those Acts were passed, many of the gentlemen who raised objections here confessed to me that it was a very good piece of legislation, and anxiety was felt whether this council should not pass the Education Bill and the Town-Planning Bill. When I asked those gentlemen why, they expressed the opinion outside that there was no chance of the Bills being passed by the reformed council when they proposed to tax the people. I am quite sure that, if this Bill is passed, the Hon'ble Mr. Narasimha Ayyar would be the first to say that this was a very good piece of legislation. There are many matters which are of very great and urgent importance. The treatment of unions by taluk boards is not at all satisfactory. The unions are looked upon as a kind of step brothers by their taluk boards. They take all the money which is collected in the unions, and they give very little to keep their roads in good order. Within the last few days I visited about ten unions. The complaint is very general. That matter ought to be dealt with urgently. I find that unions should be given powers similar to those given to the Chairmen of District Municipalities. In the town of Shiyali a large number of rice mills are proposed to be started near a burial-ground, and the District Medical and Sanitary Officer wrote to me to say that it ought to be prevented. I have no power under the Act, but if this Act is amended, the unions and the district boards will be given powers similar to those exercised by the Chairmen of Municipal Councils. I think the matter is urgent. I am sorry however to see that it is proposed to eliminate the divisional officer from the district board and probably from the taluk board also. That would be a very great mistake. Whatever may be the case in towns, in rural areas divisional officers are of very great help and we want their prestige also for carrying on the administration. For these reasons I consider that this Bill is urgent and should be passed at once. If there is any point on which the reformed council would be dissatisfied, that council might remove those defects which appear to them to be most urgent."

The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI :—" Your Excellency, I have heard the arguments of the Hon'ble Mr. Narasimha Ayyar. They are neither more nor less than those adduced at the discussion of the District Municipalities Bill and the City Municipal Bill. All those arguments had been sufficiently met when the principle of postponement was under discussion previously and when the subject was brought forward before my district board, the same objection was taken and the same request was made to keep the matter pending till the reformed council came into existence. I explained to the members fully that the matter had

been well threshed out in the Legislative Council and that the matured decision that was come to was that the time had come for taking the new Bill under consideration. In my opinion the present Bill has not come one minute too soon in the field. For years past we have been complaining that the Act has been working very defectively and whenever any new difficulty arose, Government were pleased to mention to us that the Act was under revision and that early steps would be taken to bring it before the legislative anvil. If the Bill is not proceeded with now, there is no knowing when it or an amended Bill will be brought before us. In the meantime all the irregularities that were going on will go on unchecked to the great prejudice of the country and the people. The first and foremost among the difficulties that have been brought to my notice is one in relation to unions. To take one concrete instance—the Devakottai union: Devakottai is a compact flourishing Chetti village. Government wanted to convert it into a municipality and the people objected to it. Government were pleased to say that if the people wished the union to be continued they must make arrangements for the water-supply of the place. The water-supply scheme was expected to cost 1·50 lakhs with a recurring charge of Rs. 5,000. Government promised Rs. 75,000 and the people consented to pay Rs. 75,000. As regards the recurring charge of Rs. 5,000 the people had no objection to the maximum house-tax which they were paying being doubled so as to furnish the required amount—but the Government were unable to accept the arrangement because the Act was defective. That defect has been rectified in the present Bill.

"Just now in connexion with the rise of prices we see that articles and labour could not be had for what we were paying before. According to present prices the purchasing power of the rupee has fallen by about 50 per cent. In other words for a work which cost Rs. 1,000 before, we have now to pay Rs. 2,000. How is this extra Rs. 1,000 to be obtained? There seems to be no other way of getting the amount except by doubling the land-cess. This is what the present Bill proposes to do and I must say it is a step in the right direction. The enhancement is not likely to fall heavily on the pattadars because they get very good prices for their raw produce. These are things which will appeal to Your Excellency and to every member of the council who has the welfare of the country at his heart. Many important changes are announced in the Bill as stated in the speech of the Honourable Member in charge of the Bill. It seems to me that he has almost exhausted the items, but there are one or two points which occur to me that deserve mention.

"Till now all village officers were considered as eligible for standing at elections to taluk and district boards. Under the present Bill it is proposed to eliminate the karnams of villages. I would go one step further and eliminate village munsifs also because they are as much paid Government servants as karnams. Other important additions are the provision made for a member going out of office, the right of interpellation and the appointment of standing committees, as in the District Municipalities and City Muncipal Acts, and the appointment of committees including outsiders to carry on certain selected projects. My friend the Hon'ble Mr. Ramanuja Achariyar was not for eliminating Revenue Divisional officers. I am sorry that I am obliged to differ from him. The time has come for the democratic element to exercise itself fully. There are now 25 district boards in the Presidency. Non-official presidents have been appointed for seventeen districts—six of them are Honourable Members of this Council and three were Honourable Members of this Council previously, and the other eight members are gentlemen of proved ability and experience. I think the time is now come when we must put local board administration on a democratic basis either by nomination of non-official presidents as at present or by election whenever found suitable. Roughly speaking, a district board which had a non-official nominated president for one full term of three years may be considered as fit to have an elected non-official president.

"There is an innovation in connexion with the pilgrim tax. The pilgrim tax is put in only where there are big centres connected by railway. As a matter of fact there are some big villages, which are unconnected by railway and which are equally important pilgrim centres. Instead of taxing the pilgrims I would suggest that the temples which collect large sums by way of *hundis* should be made to contribute a portion of those amounts, say 5 per cent, for meeting the incidental expenses in consequence of holding festivals which necessitate the coming of pilgrims to that place. This is a matter which can very well be considered in the Select Committee and I for one am very sanguine that whatever the difficulties may be the Select Committee will be able to put the present Bill into shape and embody in it all the progressive improvements.

"I must not omit to mention that the Bill has taken one retrograde step, that is, the appointment of outsiders as taluk board presidents. That matter was considered here in the Legislative Council in connexion with the discussion on the District Municipalities Bill. For weighty reasons given by the Honourable Member in charge, that provision was taken away and now it is only the persons who go to the councils that can become chairmen. I do not see any reason why a man outside the taluk board should be chosen to become the taluk board president.

"Among the bad retentions in the present Bill, I would put first and foremost, sections 35 to 38 dealing with the Collector's power of interference—ordinary and extraordinary—in cases of alleged neglect, etc. As I said before, the time has now come when considering the men who are now appointed as presidents of district boards, Government may reasonably expect them to carry out all these things without courting the help of Collectors. This matter was put before the Tinnevelly District Board and has been approved by it. The present Act has been in force for 36 years—a sufficiently long period. During all this long period the Collector was the

ex-officio president. The non-official members of this council wish to know whether during this long period there was any occasion for interference on account of the neglect of any district board. If there were none, I wonder why there should be any apprehension in the mind of Government that a different state of things would come into existence under the new arrangement of non-official presidents. I am sure that this matter will be well considered by the Select Committee so that the new district boards are not handicapped by the frequent coming in of the Collector.

"When the president goes out of office the Collector steps in. When there is a vice-president appointed to the district board, there is no reason why he should not step in and continue to discharge the duties of the president until another president comes in. When the president and the vice-president both happen to be out of office at one and the same time, then only it seems necessary for the Collector to interfere. Various other powers also are given to the Collector. On a little reflection Government would come to the conclusion that it is not desirable to empower him with such power when we are taking such forward steps in the line of progress. There are one or two improvements which have not been made in the Bill which I would like to put before the Council. One is in connexion with unions. There is a section in the present Local Boards Act which says that every headman of a village who has got a little bit of territory included in the union must be an ex officio member. In the union of Sivaganga I believe there are five ex officio village munsifs; in another union (Rajapalaiyam) there are six ex officio village munsifs. Virtually the representative strength is reduced to half the total strength in these unions. There may be other similar unions elsewhere. I would therefore suggest that in all unions it would be quite sufficient if the headman of the most important village were allowed to be the ex-officio member, other village munsifs seeking election or coming in by nomination if the appointing officers think fit to do so.

"There is one small omission which I notice and that is this. The district board meetings are open to the public, taluk board meetings are open to the public; but the union meetings are not specifically mentioned as being open to the public. One such difficulty appears to have arisen in the Rajapalaiyam union where, when some member of the public wanted to get in, the chairman ruled him out of order and asked him to go away. In order to avoid such a contingency, it would be necessary to insert this provision also in the Bill. So I strongly oppose the motion made by the Hon'ble Mr. Narasimha Ayyar and support heartily that moved by the Hon'ble Mr. Ramanuja Achariyar that we proceed to take the Bill into consideration at once."

"The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I find the Hon'ble Mr. Sivagnanam Pillai has raised a number of points and clouded the issues. I see they are unfair to myself. I beg for the reasons already given by me to move that the consideration of this measure be postponed for six months."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" Your Excellency, I support the motion of my Hon'ble friend Mr. Narasimha Ayyar to postpone the consideration of this Bill for six months. I do so for the reason that the new councils are fairly in our view and six months hence the work of those Councils will be in full swing. There is no reason therefore why we should hurry on this legislation considering the fact that the many matters concerned in this Bill relate very closely to the interests of the rural population. In the coming councils there will be a very large measure of representation of rural population and they will be more competent to consider this Bill and their experience will be of great value in determining what proposals should be retained and what should be added. The Bill as it stands is, I think, very illiberal in several of its provisions. No doubt it is stated that the proposals of the Decentralization Commission have been kept in view in framing the Bill as it stands, but it does not go a very long way towards the full realization of responsible government which has been promised to us by the Montford report. The conditions of the country have changed: the views of the people have undergone alteration and expectations have been raised that at least in the sphere of local self-government we shall have full responsible government. But seeing that the Bill falls short of those expectations, it is necessary that the representatives of the people in the new council should be allowed full opportunity to determine the provisions of the Bill. We see that the constitution of the Bill is not liberal. The appointment of the presidents of taluk boards and district boards and the nomination of members are all still retained in the hands of the Government. Of course, some power of election is given but there is no necessity for the appointment or nomination of the presidents of the taluk boards or district boards. The power of dissolution as well as reconstitution of the boards is also retained. Such powers are altogether not in keeping with the expectations of the people and with the advanced views of local self-government. The question as to the assessment and collection of additional cess on land is a very debatable one and I do not think the rural population would like that the land should be burdened with additional taxation.

"We have got already what is called the railway cess. We shall probably have an educational cess and we shall also have another cess for village panchayats and so on. We shall be adding one after another to the already overburdened land in the country. Of course, if it is left wholly to the villagers themselves or to their representatives of the boards to tax themselves whenever they find it necessary it may be acceptable. But to put on them a compulsory provision that they should tax themselves at the rate of two annas in the rupee—"

(Sir Rajagopala Achariyar; Mr. Venkatappayya Pantulu; Mr. Narasimha Ayyar; Mr. Siva Rao; the President.) [14TH JULY 1920.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Does the Bill compel every district board to tax at two annas in the rupee? Is that the reading of the Bill by the Honourable Member?"

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I quite understand it. But to say that every man must tax himself two annas for every acre is rather hard. I believe there is provision for some compulsion in the Bill."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" It only leaves discretion to the local body to go up to two annas if it pleases."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" Not more!"

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Above two annas the Government will step in to protect the people against their own representatives, if necessary."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I suggest that a maximum of two annas would add to the burdens of the landowner. There must be some other means to find out the money instead of land which is ordinarily the thing that is taxed for any purpose. It will not be liked very much by the people of the country that their land should be additionally taxed.

" Besides, there is no provision in the Bill to give special powers to the boards to introduce any measures for improving the economic condition of the agricultural population, or for the spread of scientific agriculture amongst the ryots. Nor are there any provisions such as are provided for in the Small Holdings Act or the Allotments Act in England which confer certain powers upon the county councils to parcel out small holdings, to construct farm-houses and give them to persons who are willing to live and work upon them. There are no provisions to introduce measures to help the poor ryots in matters of housing. There are various ways in which the powers of taluk boards and district boards may be enlarged and made more useful to the country people. For all these reasons, I submit that the Bill may be postponed. Some members pointed out that there are urgent matters to be attended to, and if the Bill is not passed now they would be lacking in certain powers which this Bill would confer on them. Of course we have waited all these years and there is no reason why we cannot wait for a few months more, when full opportunity will be given to a much larger number of representatives of the people to take up this legislation and evolve a more satisfactory Bill. For these reasons I second the proposal of the Hon'ble Mr. B. V. Narasimha Ayyar."

The Hon'ble Mr. P. SIVA RAO :—" I am one of those that think that this measure had better be postponed for consideration at the next new council. The reason is extremely simple and it is this. This department of local self-government will be one of the transferred subjects and the ministers with the help of the new councils are expected to manage this department. In my opinion it will be absolutely unfair on our part to fetter the hands of the future minister and the future councils especially when the burden lies on them to carry out the work of this special department. It will be absolutely unfair on our part to tie their hands by any legislation."

His Excellency the PRESIDENT :—" Will the Honourable Member explain how we tie the hands of anybody in the future? It is within the competence of any Government to further amend this Bill if necessary."

The Hon'ble Mr. P. SIVA RAO :—" Your Excellency, it is very easy to say that. It is quite open to the new councils or to the minister to bring about any amendment he likes, if he only chooses to do so. But I would respectfully ask Your Excellency whether it will be a practicable course. The Bill will probably be brought into force from the 1st January 1921. Would any minister think of revising wholesale the main principles of the Bill within a short period of its passing? It is also open to the other side, that is, those who are opponents of legislation, to say 'the measure was considered only very recently, the principles had been threshed out in a very elaborate manner and it is too soon to take up any wholesale revision of this Act.'

" I do not think, Your Excellency, it will be likely for the minister or the new council, as soon as it is formed, to take up this legislation within a short period after it is passed."

His Excellency the PRESIDENT :—" There seems to be an opinion felt by certain members of the council in regard to this Bill that when the reformed council comes in, it will be extremely difficult to bring in any amendment if the Government of that day think it necessary. I assure Honourable Members that this is not the case."

The Hon'ble Mr. P. SIVA RAO :—" Yes, Your Excellency, it is open to them to bring in an amendment. But will they undertake to revise it wholesale after it has been passed so recently. Where is the urgency for a measure like this? I almost hear the din of election strife; the new councils will be formed in January next, and I do not suppose there is any urgency for this legislation and that we require new powers under this Bill to carry on the work of local self-government.

" Coming to the provisions of the Bill, Your Excellency, I think the provisions in the Bill are illiberal, to say the least of it.

" Your Excellency, we will have to see whether that formula, which I have had on many occasions to point out in this council, namely, the formula laid down in the joint report 'that

there should be as far as possible complete popular control of the local boards and the largest possible independence for them from outside control', should be kept in mind. In the Statement of Objects and Reasons it is stated that all these matters have been borne in mind, namely, the report of the Decentralization Commission, the latest Government Order of 1918, defining the policy of local self-Government and also the joint report. Now I shall consider whether the proposed Bill satisfies this test. The first provision I come across is the obsolete and antiquated one that the Collector of the district shall be an ex officio member and the president of the district board and the Revenue Divisional Officer shall be an ex officio member and president of the district board. The same provision that we find in the Local Boards Act of 1882 is repeated here. One is inclined to ask whether the time has not come to provide that these presidents of the local bodies, whether of taluk boards, or unions or district boards, should be ordinarily officials and elected also. This policy is formulated in the District Municipalities Act. There is a clear provision that unless the Government thinks otherwise for reasons to be recorded in writing, the chairman of a municipal council shall be ordinarily an elected non-official. Is there any reason why that wholesome provision should not be extended to these local boards also? How can there be any popular control when we have not got non-official presidents. I am not quite satisfied merely with non-official presidents; unless they are also elected. The Honourable Member in charge will tell us that in the case of most of these taluk boards, non-official presidents have been appointed. I quite see that the policy of appointment of non-official president extended every day. Wherever non-official presidents are available, they are appointed as the presidents of taluk boards, and the same policy has been adopted in the case of district boards also. But I will not be satisfied until it is laid down as a clear policy on behalf of the Government that these presidents even of the district boards should be ordinarily elected as in the case of municipal councils. There is a statutory provision that, unless for very extraordinary reasons, the chairman of municipal councils shall be chosen by election and shall also be non-officials. Then with regard to the constitution of these district boards, in the Statement of Objects and Reasons it is clearly stated that the present Bill does not contemplate any changes. As regards the presidents of district boards it is stated that the presidents should be chosen or appointed from among the members of the district board. But curiously enough the principle is not extended to the taluk boards, and the presidents of taluk boards need not be the 'members' of the taluk boards. They may be 'outsiders'. So much was said of the application of the democratic principle when the District Municipalities Bill came up for consideration, and then it was vehemently suggested that the chairmen chosen to preside over the municipal councils should not be outsiders. Now I ask what is the reason for extending the choice of taluk board presidents to outsiders also. Then the Resolution of 1918 says that the future boards should consist of a substantial elective majority. The Bill, however, only provides for the maximum of three-fourths of the members being elected. In the Municipal Bill, we have got the provision that the elected majority shall be not less than three-fourths, whereas in the district boards in the present Bill, there is only the provision which says that the maximum shall be three-fourths, unless the Governor in Council thinks otherwise. In the case of taluk boards it is worse still. It only provides for a maximum, two-thirds maximum. Now, Your Excellency, we have to consider whether the time has not come for these bodies to consist of wholly elected element with some reservation for the protection of minorities and so forth. Then the Bill does not satisfactorily provide for the election of the members of these bodies. In the case of a district board, a union may elect a representative or a taluk board may elect one. The Bill does not provide for direct election, it only provides for indirect election. It provides direct election also to a limited extent, and I think there must be clear provision for the members being solely and directly elected by the rate-payers or by the inhabitants of the area. There should not be anything like indirect election in the sense that the taluk boards should have the power to elect members. So much about the constitution.

"Then about the term of office of these presidents, I remember at the time of the consideration of the District Municipalities Bill, Government vehemently fought for the imposition of one year's term for the office of a municipal chairman, and provided for a term of only one year. We fought against the short term and some of us thought that it was not a desirable step. Then it was said that the call of democracy required that the term of municipal chairmen should be one year. The same principle is not adopted in the present Bill. It provides in the case of outsiders being appointed on the taluk boards for a term of two years, but in other cases he will continue for the unexpired period of his membership. So far as regards the constitution it is very unsatisfactory. First of all it does not provide for a substantial elective majority. It does not adequately provide for direct election. It does not lay down as a necessary condition that these presidents should be chosen by election and not by nomination. Nomination should be resorted to only in very extraordinary cases. One word with regard to these village headmen. It is stated that officials shall be disqualified to stand for election. I do not see any reason why there should be any exemption in the case of village headmen. He is as much an official as anybody else. He is not considered as a whole-time officer for purpose of certain allowances. I do not see any reason why he should be exempted from the disqualification of officials. With regard to the establishments, the Bill says the local boards shall at its first meeting prepare a schedule and the schedule should be drawn up in such manner as the Governor in Council may prescribe and the Governor in Council shall sanction such schedule as it stands or subject to such modifications as he deems expedient. We contend that the utmost latitude should be given to these local bodies to appoint their own servants irrespective of the approval or disapproval of the

Government. The present provision in the District Municipalities Act of 1920 is that the council at its first meeting will have to frame its own schedule and it is not necessary to secure the approval of the Government thereto. With regard to the functions, Your Excellency, there has been an agitation, I remember, that the functions of the district boards should be extended. For instance, it is laid down very clearly in the resolution of the Government of India of 1918 that they desire that district officers should, as recommended in paragraph 534 of the Decentralization Commission's report, utilize the district boards more fully than at present for consultation and advice in matters of general concern which lie outside the sphere prescribed for the activities of these boards. I remember very well the Honourable Member in charge, when I moved a resolution that the Collector should be required to consult the district boards in matters affecting the general administration of the district, said that the matter had better be brought up at the time when the Local Boards Bill comes up for revision.

"There is absolutely no provision made in the present Bill for increasing the activities of these boards. I also remember that there was an agitation that these district boards should be vested with more powers. For instance when this matter was debated in the Imperial Legislative Council it was commonly held that the activities of the district boards should be increased and I see no provision whatever in the present Bill for increasing or extending the functions of the District Boards.

"I must say one word in regard to finance. The Honourable Member in charge said that the Bill provided for a maximum of two annas, and that it was quite open to district boards to raise the land-cess to two annas. I have got my own misgivings whether this provision could possibly be utilised by the district boards. It is an open question whether the land which is already inordinately taxed can be taxed still more. As regards finance, the Decentralization Commission provided that the one-fourth sub-vention which has been hitherto granted out of the all-India grant of 17 lakhs must be continued. It also recommended that the grant should be increased. There is no provision whatever in the Bill for increasing the grant or for providing for that one-fourth grant. The Commission also suggested that the district boards should be relieved of the duty of maintaining the trunk roads in the Presidency. I am aware that the Government have almost adopted the policy of taking over the trunk roads in the Presidency but I think there must be some provision in the Act itself relieving the district board of this duty. As the Government have already accepted the principle, I think it must be embodied in the Act itself.

"As regards the powers over the staff no doubt the provisions seem to be satisfactory. The Honourable Member in charge suggested yesterday the municipal councils had not got the power to remove the health officer and the engineer. Similar restraints might well be placed against the local boards also. If so, it will be a reactionary step."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"I only said that it was a matter for consideration by the Select Committee."

The Hon'ble Mr. P. SIVA RAO :—"Then there is the obsolete provision as to the controlling powers of the Collector under the present Bill. When the Collector is not the president of the district board he has got certain controlling powers. The same antiquated provisions have been repeated in the present Bill. At the time when the District Municipalities Bill was considered after a tough fight we considerably modified the powers of the Collector in the same matter. What was done in the case of the municipalities should be done in the case of the district boards also. Especially in the case of the district boards, Collectors should have nothing to do. If there is any misconduct on the part of the president of the district board all he should do is to report the matter to Government for necessary action.

"There is one other matter which I wish to refer to. The Decentralization Commission strongly recommended that the unions should be abolished after the village panchayats came into existence. But I find a provision in this Bill for the continuance of these artificial bodies.

"Then there was a question whether the district boards should not be abolished, and whether these district boards should continue to do any work of local self-Government or should not be merely controlling or supervising bodies. There was a strong feeling that the district board should confine its activities to general supervision and control while more latitude or autonomy should be conferred on taluk boards. That aspect of the matter has not been dealt with in the Bill.

"As regards finance, I dare say the Honourable Member in charge will tell us when the committee to consider the relations between provincial and local finance is going to sit. It is better that that committee's recommendations should be embodied in this Bill. That is one of the reasons for asking the postponement of the consideration of this Bill.

"In the end I think this is a rather antiquated measure. It is founded on the old model, which has been pronounced as obsolete. It does not sufficiently imbibe the liberal spirit which is laid down in the latest Government of India's pronouncement."

The Hon'ble Mr. M. D. DEVADOSS :—"I oppose the motion for the adjournment of the consideration of this Bill. The Hon'ble Mr. Narasimha Ayyar seems to think that with the ushering in the reforms, there will be a millennium and that everything should be postponed till the new Councils meet."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Your Excellency, I did not say 'everything.'

The Hon'ble Mr. M. D. DEVADOSS :—"That seemed to be the impression of some; at any rate, I thought it was distinctly said by the Hon'ble Mr. Venkatapati Raju.

"My reason for opposing the adjournment is that, even granting that the new councils are able to devote considerable time to legislative business, it is not possible for a large measure like this to be passed within a measurable distance of time. Are we to suspend our activities altogether simply because we expect something is going to happen? This reminds me of what happened some years ago. Some people joined together and went to a seashore and were waiting for the dawn of the millennium. The awaited day dawned, but unfortunately the millennium did not and they all had to return to their homes sadder but wiser men. I think that that should not be the position of us here. We are all asked to go home in the hope that better things would be done next year.

"As regards the merits of the Bill, I consider that it fairly represents the opinion of the people of these days. No doubt, things might be said to be not democratic enough, but I think, that is a matter which has to be considered later on. If there is anything objectionable in this Bill, certainly an amending Act can rectify it. It would be much more easy than bringing in a new Bill. If after some years it was found that the measure was not giving satisfaction and that the trend of public opinion was against it the minister who would be in charge of it could easily take steps to remedy these defects. I therefore submit that the Bill may be taken into consideration now.

"There are one or two points which I wish to mention. One point that strikes one is that in clause 9 of the Bill the Collector shall be ex officio president. I consider that that provision need not stand there. The Collector will no doubt be ex officio member. The Collector must be a member to take an interest but there seems to be a feeling that if he is ex officio president things might not go on to the satisfaction of the people. I suggest that he should be ex officio member of the district board and not ex officio president. It is open to the Government to appoint him or a non-official as president.

"As regards unions as they exist at present, unions have very little scope for activities and as observed by one Honourable Member here, the money that is actually raised by unions is utilised by the taluk board and the unions have no voice in the matter.

"A pilgrim tax is not only a very useful one but a very desirable one. There are places in this Presidency to which hundreds and thousands of people go. There are several small places and the sanitation of these places we can easily conceive of after the fair of the pilgrim season is over. In such cases the tax is raised for the purpose of helping the union or village to keep the place in a sanitary condition and to help the pilgrims to find the necessaries of life, water, etc. It will certainly be a beneficial one and will not be a hardship to the people. In the select committee, the Honourable Member in charge of the Bill has stated, that there will be only three official members and the non-official members will be in a majority who will see to the amendment of the Bill. Under these circumstances I submit, Your Excellency, that we should have this Bill read now and considered in committee and if possible passed in the next session."

The Hon'ble Mr. V. MADHAVA RAJA :—"I think the question before the House is whether the Bill should be taken up now or should be postponed for six months. I am not for any postponement. This forms a part of a series of Bills that have already been taken up and passed. When the District Municipalities Bill was taken up some of the Honourable Members wanted the Bill to be postponed for the next Reformed Council and when the Bill was taken up and passed the very same members said that they got more than what they expected. So I am sure that if this Bill also is taken up and passed into law, it will not be a disappointment for the persons who suggested the postponement. I cannot understand why the Bill should be postponed at all. We have got a non-official majority in the existing Council and the Hon'ble Sir P. Rajagopala Achariyar said that in the Committee there would be only three officials and that all the remaining members would be non-officials. So the whole question can be well threshed out and necessary changes made in the Bill by the select committee. I am therefore of opinion that the Bill should be taken up now alone."

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI :—"Your Excellency, my friend the Hon'ble Mr. Narasimha Ayyar and others have been telling us that it would be well to put off this subject for another six months. It is the same kind of objection that has been raised for almost every Bill that has been passed of late. I suppose that the first one was the Village Panchayat Bill and then the Madras City Municipal Bill; there was the Mufassal Municipalities Bill and yesterday there was the Town Planning Bill and all that. To each and every one of these Bills objection was raised that we should wait and wait until the Reformed Council. But however, the majority of the Council have thought fit to go on with these Bills and they are now accomplished facts and I suppose the same kind of action will be taken by this Council on this subject. No doubt we who will be perhaps candidates for the coming Legislative elections may feel afraid that if this Bill is passed, say with powers to raise the cess from one anna to two annas or even more as my friend the Hon'ble Mr. Narasimha Ayyar says, there will be very strong objection on the part of the pattadars to have these gentlemen as their representatives. I suppose that will not come in our way by dealing with the subject to-day. Well, there are many good points in the Bill. There may be a few which are not good but everything will be discussed in the select committee and any of the objections that we may have will be put before the select committee who will give very careful consideration to the matter

and we need not go at this stage into the details. I think that this Bill must be passed now so that when the new Councils come we may have one set of law all over. When all these Acts are complete, when the new Council comes they will see within a short space of time how these things are working and if they find any defect they can amend it. If this is put off for six months and placed before the new Council it may be that several members of this Council—there may be sixty or seventy members who may not know about this—may not know what to do with it. Therefore, I strongly submit that this Bill should be settled now."

The Hon'ble Rao Bahadur N. SUBBA RAO :—"The most important point for consideration is whether we should postpone the introduction of this Bill to the Reformed Council. I submit, Your Excellency, that I do not find any reason why we should postpone the introduction. The only important reason that is urged against the introduction of this Bill in this session is that it will tie the hands of the ministers, that the Reformed Council will consist of members who will be elected on a broader franchise and will be in a position to liberalise the Bill. As for the first argument that the ministers will be fettered I think Your Excellency has given the reasons that it will not in any way fetter the hands of the ministers. On the other hand the minister, I should think, will be more thankful to us for having done this spade work for him. And if there is any amendment to put before the new council he will put them. To say that he will swerve from his duty is rather anticipating that our future minister will not be up to the mark. It means that the future minister will not have the courage to put forward before the new council the necessary changes that will be useful after experience gained. It will also be not correct to suppose that the councillors of the new council too will be wanting in their duty and they will not put forward their amending provisions before the council. So I should think the introduction of the Bill and the passing of the Act will in no way fetter or hamper either the ministers or the members of the council.

"Now I would also urge another reason why the Bill should be introduced in this session, because if this and other similar Bills, when they are passed into Acts, will be rather good planks for the election campaign. If they are not found to be satisfactory and liberal measures, certainly the intending candidates may promise that they are going to amend the Act. So taking into consideration all the facts, I should think that the introduction of this Bill will be a salutary measure. I remember the Hon'ble Mr. Narasimha Ayyar and others put in the same objections when the Municipal Bill was introduced. That very gentleman and the others who supported him after the Bill was well threshed out by the select committee and when it was passed into an Act, said that it was a very liberal measure and there were very few defects which they could point out. Anyhow I am sure these Bills which have been in the legislative anvil will be well threshed by the select committee and they will be further well threshed in the council and I am sure with the present Government that it will emerge as a liberal measure and the very opponents of this Bill will congratulate the Honourable Member in charge and vote for the passing of the Bill into an Act.

"As for the provisions of this Bill I will not state much because it will certainly be handled very roughly. I will only say a few words as to the provisions as some remarks have been offered by the members. It is said that as a rule the presidents should be non-officials. I think it is a very salutary rule and I am sure the present Government has put it into practice, because we now find that out of twenty-four presidents seventeen are already non-officials. So we can expect that the present Government will continue their liberal policy of appointing to the district boards non-official gentlemen. Of course it is another case, as regards the non-official presidents of taluk boards. In the case of municipalities we have got greater number of men who take interest in local self-Government and one can be elected from among them. That is the reason why we had also a shorter term for the municipal chairman, but in the case of taluk board presidents, for some time at least there will be difficulty on account of paucity of competent men and that is the reason I think why provision has been made to the effect that non-members may also be chosen as presidents of taluk boards.

"As to the question of the cess, no doubt it is a very difficult problem. If we want many measures to be ushered, we must be able to finance them either from the general revenues or the local rates and cesses. It is only a permissive and enabling section by which the district boards can levy cesses up to two annas and those who put in more than two annas into their pockets will, I suppose, get more in the shape of Government grants as some of the district boards are now getting ; for instance, the District Boards of Malabar, South Kanara and the Nilgiris are levying cesses at $1\frac{1}{2}$ annas in the rupee and as far as my district board is concerned, I was getting Rs. 1,14,000.

"Only one point more which I have to address Your Excellency and that is about control. I think the control of the Government through their officers should be as little as possible and that is the spirit in which we have been examining the Municipal Bill. Hitherto the Collectors were presidents with ample powers and when presidents were chosen from non-officials, the powers of the district board and its president were not in any way curtailed. In fact the Government have continued the same privileges which the Collector-presidents were enjoying and I have no doubt that the Government will not move a whit behind the times and curtail the powers which have been enjoyed by the Collector-presidents and the non-official presidents. In fact for the last three years there have been non-official presidents and I believe the non-official presidents have been doing their duties to the best of their abilities and the Government is satisfied with them. Under those circumstances I do not think that there will be any curtailment of the powers. The question is why more powers should not be given to the Boards.

14TH JULY 1920.] (*Mr. Subba Rao ; Mr. Venkatapati Raju.*)

But there may be one or two boards which may go amiss. They may play ducks and drakes with their money or there may be something which they may do on account of factions. In such a case the Government must have the controlling power and not the Collector. The Government must have the power of control, but the Government cannot know what is going on unless through the Collector. As has been provided in the Municipal Act, if the Collector has to say anything against any district board and if the Collector is made to place his remarks before the district board and the district board's opinion and the Collector's opinion are submitted to the Government, I am sure the Government can be trusted to be impartial and do justice in the matter. So in the matter of control my opinion is that there should be as little as possible of that precious commodity and such control must be by Government. That is all what I wish to say on this motion."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, I was considering all this while whether it is worth while prolonging this discussion and I wanted even to advise my friend the Hon'ble Mr. Narasimha Ayyar to withdraw his motion for an adjournment but instead move that the Bill might be passed without reference to a select committee. The amendments proposed by the Government are most innocuous. They have not troubled themselves to take away the merits of the Bill, but wanted to introduce one or two measures which are after all harmless, excepting the disqualifying clause which they have adopted. I am afraid if it is referred to a select committee it will come out in a worse state and I therefore gladly suggest that this Bill as it is presented by the Government, defective as it is, might be passed at this sitting. I am sure that the Government would not accede to this request, because as the Hon'ble Sir P. Rajagopala Achariyar has already pointed out the Bill is full of defects as presented by him. It is a most unusual procedure for the Government Member to present a Bill for the consideration of the Council saying that it requires various amendments, that it requires various additions and that it requires so many improvements. Why should such a Bill be presented to us full of defects for being referred to a select committee?

"Two unusual courses adopted by the Hon'ble Sir P. Rajagopala Achariyar are surprising. First of all, he has neglected the advice of His Excellency that we should not read from any paper when we are discussing in this Council. But Sir Rajagopala Achariyar thought that the Bill was so very defective he wanted not to safely rely on memory but to put his ideas on paper in order to present it in a presentable shape. The second is the unusual course for the Member of Government to mention who are going to be appointed as members of the Select Committee. He said 'I am going to have the presidents of district boards and only three members, myself, Surgeon-General and the Advocate-General.' This is also another unusual course. Now my submission is that, so far as the Bill is concerned, there is nothing in it either worth accepting or worth rejecting and even if it is passed to-day, the world will not come to an end. Therefore we could immediately pass it and for my part I will have the hearty satisfaction if it is passed because the other process would not be proceeded with. But I am afraid from the inclination shown by the Hon'ble Sir P. Rajagopala Achariyar that he wants to import several provisions into this Bill which do find a place in the Municipalities Act and the City Municipal Act which according to some of us, at any rate, are retrograde so far as the control of the staff and services is concerned. In the Bill presented to-day they have not interfered with them: they have left them as they are. But I am afraid that in the Select Committee they will introduce all these measures which were introduced in the District Municipalities Act providing for the control of the staff such as health officers and municipal engineers. That is a danger ahead. After 30 years the Government do not think it worth while to amend other points. Now is it not high time to introduce the powers and duties which are enjoined upon the county councils in England by the Act of 1888? The county councils in England exercise several powers which were never dreamt of in our provinces. They have got powers in relation to commercial, technical and agricultural education: they have got the power of improving the condition of the people, the power of allotment of land and one hundred and one other powers. Was it ever thought that such powers should be given to our district boards? I think when our presidents are entrusted with these duties they will exercise them as any other civilized country has done. But my fear is that Government would not allow any such things to be done, because past experience tells us that the Government will not entrust the duty of technical education and various other matters which the county councils exercise to our boards. The Hon'ble Sir P. Rajagopala Achariyar told us 'everything is left in your hands, in Indian hands and if you cannot shape it properly, how can you expect local self-government to be safe in your hands? I am only leaving it to you, presidents of district boards.' My submission is that whatever we discuss, unless Government is prepared to advance further, unless Government is determined to do more than they propose to do, there is no use of saying that it is left to us, because I am quite sure that situated as we are whatever Government expects to be done, it will be done, and whatever Government sets at naught, it will never be passed in this Council. Therefore I appeal to Government that they should not leave the entire responsibility on others, but take the responsibility upon their own shoulders as to what additional powers should be given in the present Bill. Under those circumstances, we naturally expect they will introduce all these liberal measures before leaving it to the Select Committee. Because they have not done it, they want to leave this in the hands of other. I am in accord with the Hon'ble Mr. Narasimha Ayyar that it is far better to give time for the Government to bring a liberal measure than to refer it to any committee which can only add here or subtract there. I say the Bill is admittedly a defective measure. The Member in charge says it is defective and the Government

have not tackled the various provisions. They have added after all, out of 35 pages, only one page of amendments to the previous Act. Therefore, is it not an important measure which ought not to be left in such a meagre shape? I have pleasure in supporting the Hon'ble Mr. Narasimha Ayyar's motion because that is the only way of giving the Government time to prepare a better measure."

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—"I have to thank the Hon'ble Sir P. Rajagapala Achariyar for the lucid exposition he has given us yesterday regarding the salient features of this Bill and at the same time we have to thank him for the candid confession on behalf of the Government that the Bill is defective in some respects and more especially for holding out the hope that the Bill will be modified by a large non-official majority in the Select Committee. But I have got my own serious doubts whether the hope will be realized or not. First we have got in this measure the question of raising the land-cess. We have already one Bill introduced in the Council in the name of the Elementary Education Bill which contains a similar provision. Another Bill known as the Village Panchayats Bill has already been published for public criticism: that also contains a provision for the levy of cess on land revenue. With these three cesses, with unlimited powers in one case subject to subsequent sanction of the Government, it is seriously doubtful whether this should be passed by this Council. My submission is that very shortly, six months hence, we are going to have rural representatives—not fictitious representatives as this Council is composed of—coming by direct election from large popular electorates. With this Council as at present composed of members returned by fictitious electors and mostly composed of non-officials nominated by the Government who are worse than Government officials in some cases, is it desirable that the fate of the rural areas should be left in the hands of this Council or should be left in the hands of the future Council which is coming very soon into existence? In this respect I want to enter a word of protest against the observation of the Hon'ble Sir P. Tyagaraya Chetti who said just now that the 60 or 70 persons who may come into the Council in the future may not be fit to tackle this question. But I humbly submit that they will be the real representatives of the rural population; they know how the local self-government is working and as they will have to pay the extra taxation, they will be the better persons to suggest the real sources of taxation instead of this Council. For all these reasons and for the additional reason that the Land Revenue Code is not yet settled and that we do not know what the principles will be in regard to the land revenue settlement, I fully agree with the mover of this proposition."

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—"Your Excellency, I beg to welcome this Bill. I do not see any reason why we should wait for such a long time till the Reformed Council come in. It looks to me as if we are not capable of discussing this Bill at present as we stand. We have already got more important Bills than this passed into law such as the District Municipalities Act and the City Municipal Act. There are a good deal of defects in the present Act itself and some of the members or rather the presidents of local boards are undergoing a great deal of difficulty in getting the administration carried out effectively in the interests of the public. It is highly desirable that this Bill should immediately be passed into law. As the Honourable Member in charge of the portfolio said yesterday in his speech, he will give us ample scope to discuss, and he will appoint a large sub-committee to sit and discuss the Bill properly and modify it according to the wishes of the public, I do not see any reason why we should not take up the question immediately and get this Bill modified as we require, in the interests of the public.

"I take this opportunity of suggesting a few modifications. The first and foremost, in section 12 about the proportion of officials and non-officials, there is nothing mentioned about the representation of Muhammadans, just as they have already set apart in the District Municipalities Act and the Madras Corporation Act that 'the remainder shall be appointed by the Governor in Council, who, in making such appointments, shall have regard to the representation of Muhammadans and other minorities,' which is a more important point that should be inserted in the Bill. The next point is, in section 15 clause (i) where the 'Revenue officer in charge of a division of the district wherein any taluk is situated shall be ex-officio member and the president of the taluk board of such taluk.' I thought the day has come when almost all the local bodies should be presided by non-officials. I do not see any reason why a Revenue divisional officer should be the president. Then again, clause (3) of the same section gives power to appoint some person to be the president of a taluk board, whereas the other two Bills that were passed into law distinctly state that one of its members should be the president. I do not like that any outsider should come in as the president of a taluk board. In this case clause (5) may be deleted. Then again, coming to section 17, it refers to the appointment of Government salaried officers as members. The Government recently notified that it is not their desire that Government officers should take part in the administration of local bodies and that in emergent cases if any officials are to be consulted they may be invited as a special case for a particular meeting. In this respect I do not see any reason why Government salaried officers should be appointed as members. In the same section I repeat again about the representation of Muhammadans and other minorities as nominated council members. Then coming to section 21 clause (3), I understand that it is a person who is not a member that is elected or appointed president. As I have already pointed out, this section may be deleted. Coming to section 31 clause (4), 'Every member of the local board shall have the right to interpellate the president on matters' after the words 'President' 'or move

14TH JULY 1920.] (*Mr. Ahmad Tambi Marakkayar ; the President ; Mr. Arumainatha Pillai.*)

resolutions' should be added. Then again coming to section 37 clause (i) 'the Governor in Council or the Collector of the district may, by order in writing, suspend the execution, etc.' I wish the word 'Collector' be omitted."

His Excellency the PRESIDENT :—"I do not wish to disturb the Honourable Member. But we are only at the first reading of the Bill. Discussing clause by clause is a matter which can very well be done in the Select Committee when it comes."

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—"Then I will leave it to the Select Committee to decide it. I will once more welcome the Bill."

The Hon'ble Mr. T. ARUMAINATHA PILLAI :—"Your Excellency, I do not believe there is anything for me to say for or against the proposition moved by my Honourable friend Mr. B. V. Narasimha Ayyar. It does not matter to me whether this Bill is adjourned to the next reformed Council, but I am one of those persons who are of opinion that the reformed councils by themselves would not bring in a millennium. But it would be in the interests of the country to see that we pass the Bill. I am not taking any special pride in that, but it is a sheer necessity that when the new councils are reconstituted, we could place before them certain working programme which they will have to carry on, and whenever they find defects in that programme, it may be possible for them to make any amendment which they may find necessary by experience. I do not believe I need say anything further about the proposition of the Hon'ble Mr. B. V. Narasimha Ayyar.

"Now, coming to the Bill itself, I would submit, Your Excellency, the following one or two points for the consideration of Government. The first point I would like to submit is the question of presidentship of the district and taluk boards. The Bill, as drafted now, puts the question, so far as the president is concerned, first the District Collector, if not the nomination by Government, in the forefront. And then the Bill goes on to say that the Governor in Council may allow any district board to elect its own president either from its own body or from outsiders. What I would submit is just the reverse position. I would say that the general rule should be to allow the boards to elect their own presidents from among their members. That is the position which I would like Your Excellency's Government to take, so far as this Bill is concerned. We are going to have a large elected franchise hereafter and it stands only to reason that the presidents who are going to manage these local boards and other bodies which constitute local self-government, which is purely a transferred subject, should be purely persons who are elected by the representatives of the people themselves."

"No sort of nomination should come in. If Your Excellency's Government finds it impossible to bestow this general principle of elected president upon any district board, then it is but right that the question of nominated president should come in. When the question of nominated president comes in, I would submit, though it may seem very strange, it must be only officials and not non-officials. I base it upon two grounds. In the first place, this question of nomination should be only a temporary measure. In the second place, hitherto the Government have been nominating persons to the presidentship of district boards. I am not here to find fault with any nomination up to now. Personally I think all the nominations are sound and that the gentlemen who have been nominated to the presidentship of district boards are all fit to hold the position. But in the future Government it will be in the province of the party in power to nominate any person they like. It is not going to be Your Excellency's Government which is going to nominate. It is the party in power that will have the power of nomination and it will be too much of a large order to give to that party a strong weapon in their hands. It is for these reasons, Your Excellency, that I submit that whenever any nomination comes in, it must be officials and not non-officials. As I told Your Excellency, my friends may think that it is a very strange position. I have thought over the matter very seriously and I think that it is the position which we have to come to hereafter. So far as the question of constitution of the bodies are concerned, I would like to have elected bodies. Unfortunately we have got certain differences of opinion, various communities and creeds here. We have got to face all these things and hence, I submit, that wherever any local boards have to be constituted, the major portion or three-fourths of the body should be elected and the rest, namely, one-fourth, nominated. Nomination should exist only for the purpose of representing the minorities and the depressed classes, and not for the purpose of augmenting the official class or any other class which is already represented in the Council. The power of nomination should only be exercised to protect the interests of the classes which have not found a place in the council.

"The other thing which I have got to mention is this. The Bill mentions about contributions to institutions for the protection of destitute and poor people. I believe I am right when I state this. My submission is that the district boards should not be confined only to contribution of money towards institutions of this sort. It must be possible for these district boards to maintain institutions for sheltering destitute and poor people. That is another question which has to be considered. The district boards under this Bill are given enormous responsibilities but unfortunately the finances required for carrying out these responsibilities are to be gathered only from the taxes that are now given under this Bill. The main portion of the tax falls upon land. Your Excellency has already seen the hue and cry raised in this Council against any cess being introduced or new cesses being levied upon land. While Your Excellency's Government has been good enough to allow the municipalities both in the districts and in the presidency town to have some sort of borrowing powers, I do not see any reason why district

boards should be deprived of that privilege. Some of my friends might say that borrowing by the public bodies to carry on their projects is not quite sound. It may not be sound for an individual. But so far as public bodies are concerned, I believe it is a very sound principle. Else the position of the district boards is this : they have got to wait for the accumulation of their taxes to carry on their schemes ; that means postponement of all urgent reforms that might be needed by the people for years and years together ; or their representatives in this Council will have to come up before Your Excellency's Government or to the Minister and ask for doles to be given to them. Asking for doles, Your Excellency, might be appreciated by some, but I would rather think that it is not very conducive to the respectability of any local board to come forward again and again before the Government and to ask them for money for these purposes. Therefore I submit, Your Excellency, that so far as the financial position of the boards under this Bill is concerned, I would earnestly urge upon Your Excellency's attention whether it would not be possible to introduce powers for the purpose of borrowing money. I must say that the Bill has not been conceived in a very liberal spirit, but there is the assurance of the Honourable Member in charge that it is for the members who are on the Select Committee to make it as liberal as possible. It is for them to do it, and I believe that assurance will be borne in mind by those who will serve on the Select Committee and by the members of this Council as well, and if that assurance is only carried out, then I believe the measure would be very much liberalized."

The Hon'ble Mr. T. RICHMOND :—"I just desire to say a word or two on this subject. I had no intention originally of taking part in this debate, but after hearing my honourable friends, especially the member who referred to 'fictitious' representatives—I do not know if he means the constituencies are fictitious or the representatives themselves are fictitious—but whatever he means—and after hearing some of the nominated members who have spoken in support of the Bill, some of them with great experience in local boards administration, and whose remarks I have listened with much attention, I feel tempted to make one or two observations. Now, this Legislative Council in some form or other has existed for about fifty years. Since the last Reform Act, I think it is now ten years, and the Council has passed an enormous number of legislative measures. Are these, the result of the activities of the so-called 'fictitious members,' to be put down for nothing ? If so, the whole of his argument amounts to a fiction. As regards the Bill itself, my Lord, I have only cursorily read it. I think it is a considerable advancement on the existing measure and it deserves our full support having regard to the various progressive provisions in the Bill. On this ground, I strongly oppose the motion for adjournment."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"Just as a matter of personal explanation, I wish to say one word. With reference to the matter of compulsion in the levying of land-cess, section 59 of the Bill says that the Government can in a way compel the boards to levy cesses. It is something like that that I had in mind when I made that remark. If the district board cannot give a satisfactory explanation, then the Government may take the matter into their own hands and levy the cess."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"The motion before the Council is that this Bill be put off for a period of six months. Unfortunately or fortunately, personally I think the latter, the discussion has covered a very wide range of ground and, if I confine myself to the narrow issue raised by the motion of the Hon'ble Mr. Narasimha Ayyar, I am likely to be misunderstood. Though the question is only for the postponement of the consideration of the Bill, I would ask Your Excellency's permission to offer a few words with regard to the comments made by the several members on the Bill itself, as, if I ignore these comments, there is the contingency of its being understood that I am probably not willing to abide to the fullest possible extent by the pledge I have already given, that this matter would be left entirely in the hands of the non-official members of this Council.

"A great deal has been said in regard to the raising of the limit of taxation. The Hon'ble Mr. Narasimha Ayyar has said that the public have not had sufficient time to get familiar with this fact and that the proposed measure has been sprung upon them. I think the Hon'ble Mr. Narasimha Ayyar will agree that by this time I have a fairly substantial knowledge of the views of the members of local boards, considering that I have been in such close touch with them. Let me say that the one thing about which they are fully cognizant is the fact that, unless their resources are improved, unless some power is given to them to raise more money, they will not be able to make much headway. The Hon'ble Mr. Narasimha Raju complains that we are proposing to levy a cess under the Village Panchayat Bill and a cess under the Elementary Education Bill and at the same time raising the cess under this Bill. I quite sympathize with him. If I hold as much land as he, I would certainly share his anxiety. Probably my honourable friend will find that later on this tendency to increase of taxation is not diminished, conceivably the evil may even get augmented. People are apt to imagine that the future contains all sorts of good things for them, and the Hon'ble Mr. Narasimha Raju is not alone in holding that view. It is a common human weakness.

"If the Select Committee think that the land-cess should not under any circumstances be raised, let them say so. My slender forces composed of the Surgeon-General and the Advocate-General will not be able to stand against the onslaught of the non-official members should the latter attack the two annas provision or any other provision in the Bill. Let me again say candidly that, if the bulk of the non-official members think that it will not be a wise step to

provide for any increase of the land-cess now, that it will not be particularly difficult for them to provide for increase of taxation at a later stage if necessary, and that it would probably be as well that the opprobrium attaching to the legislation providing for increase of taxation should be borne by the new Council and not by this dying one, let them say so and act accordingly. But how does that affect the question of the Bill being postponed for another six months? Are these financial troubles going to disappear during that period? Are the people going to get out of them in some miraculous way?

"A great deal has been said about very many defects in the Bill. As a matter of fact, no one can be more keenly alive to these defects than I am. It has been repeatedly brought home to me that this Act of ours has become obsolete and should have been amended years ago. If I am asked to draw up an indictment against Your Excellency's Government, I would say that the dilatory way in which some of these pieces of legislation have been dealt with is their strongest condemnation.

"The Hon'ble Mr. Narasimha Ayyar says that we must wait for a period of six months because we are going to have a new state of affairs under which everything will be done very much better, especially with regard to the constitution of the local bodies, with regard to the position of the Collector, the position of the village munsifs, and so on. I hold no brief for these officers. If you think that the Collector's power of control should be diminished, by all means do so, and let me assure Honourable Members that probably the class of people who would most rejoice at being relieved of these responsibilities would be the Collectors themselves. It is a mistake to imagine that these officers are hankering after power. You may rest assured that I am prepared to go as far as any other member of the Select Committee in these matters.

"Incidentally my Honourable friend wanted to know if he was going to be in the Select Committee. If the Hon'ble Mr. Venkatapati Raju will permit me to give that information, I may at once say that the Hon'ble Mr. Narasimha Ayyar is going into the Select Committee and he will then have ample opportunity of enforcing his principle of complete election. Only he will have to get the concurrence of the Hon'ble Mr. Raja who will also be in that committee. The members of the latter's community have had considerable difficulties in the past to be even nominated to local bodies and if they have in all places to get in by election, for the complete introduction of which the Hon'ble Mr. Narasimha Ayyar pleads, I wonder how they will fare. The two Honourable Members will have to settle the matter between themselves. As for me, I shall only sit and listen. You may take my word for that. I am not going to take sides in any matter. This is going to be a matter for you, Gentlemen, to decide. That is a genuine statement. I really will not be able to do anything except offer advice. Many Honourable Members have appealed to the Government for sympathetic consideration of this or that. I will only say that my sympathy can only govern three votes, those of myself and my two Honourable colleagues, the Surgeon-General and the Advocate-General. Honourable Members who wish to convert the Select Committee to this or that view will be more profitably employed if they direct their energies towards converting their non-official brethren.

"I now come to the main question. I must apologise for having gone so far out of the way. The main question is, should we go ahead with this Bill now or should we put it off for a period of six months? The onus is upon those who want to put it off. It is for the Hon'ble Mr. Narasimha Ayyar, the Hon'ble Mr. Venkatapati Raju, the Hon'ble Mr. Venkatappayya Pantulu and the Hon'ble Mr. Siva Rao to prove that we should not do this work to-day for which we are assembled. The only grounds upon which you gentlemen will be justified in putting off your task will be that you are not fit to deal with it, that this matter is not urgent, and the new Council will be very much better fit than this one to do the work. I will take the last point first. The new Council has not come into existence. It may or may not be better than the present one. We may leave the future to take care of itself. The next question is, 'is this piece of legislation urgent'? There is the testimony of the Hon'ble Mr. Sivagnanam Pillai and the Hon'ble Mr. Ramanuja Achariyar and several others that very many changes are needed in the existing law. I have given you my own testimony from what I have seen—for whatever it may be worth—and the criticisms on the existing law which is repeated in the Bill, made by the Honourable Members who are objecting to it, are also testimony to the need for change. The Hon'ble Mr. Narasimha Ayyar and the Hon'ble Mr. Narasimha Raju have borne testimony to the defects in the existing law. We are all of the opinion that many of the changes needed are urgent. If you really do not want to do anything and assert that it is not an urgent matter, by all means put it off. But so far as I can judge, new legislation is absolutely necessary. It is very much overdue.

"That brings me to the question, is the present Council fit to deal with it? The new Council is yet to come into existence. But we all know what the present Council is, and if the Hon'ble Mr. Narasimha Ayyar and the other Honourable Members who support him, consider that this Council is unfit, then that is a matter for the other Honourable Members to decide upon. If those other Honourable Members accept that statement, that they are unfit to deal with this piece of legislation, I shall certainly not object. I say to the other Honourable Members here, that the Hon'ble Mr. Narasimha Ayyar, the Hon'ble Mr. Siva Rao, the Hon'ble Mr. Venkatappayya Pantulu and the Hon'ble Mr. Venkatapati Raju—these four gentlemen say that you are unfit."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"I did not say that they are unfit. I said that the public have not got the opportunity to deal with it within two months."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—"I said that these people would be better conversant with these matters than those who are here at present."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Practically you, four or five gentlemen, have said that the Council is unfit. You put the unfitness in different forms."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" No. I did not say that the Honourable Members here are not competent to deal with it."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" If we are practically unanimous as to the general fitness of this Council to deal with this legislation, I plead that the legislation shall be carried through. If the Members of this Council are fit to deal with this Bill which has come before them, it is but wise to allow them to do the task for which they are fit. That is my plea. My statement in regard to the fitness of this Council is based upon its performance in regard to two pieces of legislation which have been carried through. I refer to the District Municipalities Bill and the Town-Planning Bill. Well what was the shape in which the Town-Planning Bill was introduced and what was the shape in which it was passed? If I remember aright, the Town-Planning Bill was passed by a unanimous vote of the Council yesterday afternoon. The Select Committee of that Bill with conspicuous success held the scales even between the opposing forces of socialism and conservatism. I am sure the Hon'ble Mr. Namberumal Chetti and the Hon'ble Mr. Arumainatha Pillai will support me in that statement, and the result has been that yesterday, though there had been a number of small amendments, we passed the Bill practically in the form in which it had left the Select Committee.

" What about the other Bill—the District Municipalities Bill?

" I was not here when the District Municipalities Bill was introduced. So I called for the papers about that Bill and I find the Hon'ble Mr. Narasimha Ayyar is reported to have then said, 'I now rise to move for the adjournment of this debate'. He has now said exactly the things he said then. Then I find, as I go on, the Hon'ble Mr. Venkatappayya Pantulu saying, 'Your Excellency, I beg to support this motion for adjournment'. The Hon'ble Mr. Venkatapati Raju also supported that motion. And what was the situation when the District Municipalities Bill was passed? When the Bill was passed we had the Hon'ble Mr. Siva Rao saying, 'I am one of those who think that this Bill as it has emerged from the Legislative Council, is a distinct improvement upon the old Act.' Then comes the Hon'ble Mr. Narasimha Ayyar. He said, 'in justice to those who are responsible for the Bill, we must acknowledge that there are many merits in the Bill. It is a decided improvement on the present state of affairs and I think Mr. Siva Rao himself will agree with me. The sooner the Bill is passed into law, the better it is, I think.' That was what the Hon'ble Mr. Narasimha Ayyar said. All this was on the 29th of March 1920. Then comes my friend the Hon'ble Mr. Venkatappayya Pantulu. He said, 'With these few remarks, I would state that the Bill as a whole is an improvement that the time may come when other improvements will be introduced'. The Hon'ble Mr. Siva Rao has now put forward the extraordinary argument that we are trying to tie the hands of the Minister. I was under the impression, Sir, till he said this, that we were helping the coming Minister. Apparently all my labours of the last two years are intended to tie the hands of the Minister who has not yet come into existence!! Your Excellency asked the Hon'ble Mr. Siva Rao how our action would tie the hands of the Minister. He can do what he likes if he wants to have a change. Then the Hon'ble Mr. Siva Rao replied that change would not be easy and that the Minister might find it difficult to make a change. Now I ask, if the Minister finds that there is no need for making a change, is that a matter for grievance? If the new Minister finds, as pointed out by the Hon'ble Mr. Arumainatha Pillai, that in any particular matter this Bill as passed by us is defective, and if he wants to change it, he can do so. I suppose the Minister will have at his back the support of the majority of the Legislative Council and that majority will act upon his mandate. I stand here by myself with very little hold on Honourable Members, but the other man, I mean the coming Minister, will have solid phalanx behind him. If Honourable Members are convinced that it must be a distinct advantage to the Minister to have a good running machine and to feel that he has not at the outset of his career to deal with a large volume of urgent legislation, it is in his best interests, it is in the best interests of the Reformed Council, and above all it is in the best interests of the local boards themselves, that I ask you, Gentlemen, not to vote for the Hon'ble Mr. Narasimha Ayyar's motion to put off this Bill for a period of six months. Now that I have said what has to be said against the motion, I am not going to vote for or against it and I would ask Your Excellency to instruct the other officials here to sit in their places and to allow this matter to be disposed of by the votes of the non-officials themselves. I can conceive of no stronger proof of our bona fides than that we leave this to be decided by the votes of the non-official members."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" Your Excellency, I think in the course of this debate we have had ample evidence of certain gentlemen, not members of the Bar, employing the arts of advocacy well-known at the Bar. I find the Hon'ble Sir P. Rajagopala Achariyar an expert in these. One of these is to raise false issues to draw away attention from the main issue, and to dazzle weak intellects by success on the false issues. There is no question now as to the fitness of this Council to pass this legislation. I strongly deprecate this and I must strongly dissociate myself from any such suggestion and the only reason that I can find for the Hon'ble Sir P. Rajagopala Achariyar's saying this, is his inattention to my speech, when I was moving my motion for adjournment. The real point that I put forward has been entirely overlooked in his long speech—I do not complain it is too long. He missed the main point and the only point on which I rest the case for adjournment, namely, that there are a few matters of great importance in respect of which the public have not had time to pronounce opinions. There is not the remotest suggestion that there is a unfitness on the part of this Council. On

the other hand it is our fitness to decide what is exactly proper, that makes be bold enough to place my motion before this Council in the particular circumstances I have stated. The Honourable Members will see that there is no question of fitness at all, but you must have public opinion before you come to a conclusion. That is the bedrock on which I take my stand. Various other issues have been raised, such as whether the Bill is not an improvement. I answered yes. Because you have got 15 improvements or 20 other so-called improvements is that a reason why the public have no right to be heard? Member after member spoke on many points, of course it is a general discussion—but I have not discovered a reply to this question. The Hon'ble Sir P. Rajagopala Achariyar says that he has got the evidence of two witnesses to prove that there is a real urgency. If the testimony of these people demonstrates that there is real urgent need for this measure I would withdraw my proposition. But what do my Hon'ble friends, Mr. T. N. Sivagnanam Pillai and V. K. Ramanuja Achariyar who have risen to support the case of Sir P. Rajagopala Achariyar prove? They only say that in certain matters relating to unions the Bill provides necessary amendment; it is also clear that in several other matters there is need for amendment. But the point is not the need for amendment. The question is about urgency. As against the evidence of the witnesses I wish to quote the very pleading of the Honourable Member in charge. What has the Government been doing all these years? As against the virtual allegation of urgency of the two witnesses I wish to put forward the admission of Government by their conduct these eight years that there was no urgency. Certainly it is useless to ask us to believe that there is a very great urgency, within the next six months for bringing in this Bill. So the only valid argument of urgency has failed and may be put aside. The Honourable Member stated 'You said this before; you are saying it a second time'. But if the Honourable Member had paid me the complement of listening to my speech he would have noted that I distinctly stated that I was not going to repeat my previous arguments. I paid a high complement not only to the honourable official members but also to Sir P. Rajagopala Achariyar and said that we are not going to repeat the arguments already put forward. When the Municipal Bill was discussed we had several months to wait in order to receive public opinion and we did obtain public opinion. The Act was then passed and I complimented the Government and the public on having made an improvement in the law. What is the present state of affairs? A couple of months has been given for this Bill. This is a Council about the fitness of which I do not question but about the life of which there is no certainty. Two months would seem to be a short period within which we can have the well-considered expression of views of the public. The Hon'ble Sir P. Tyagaraya Chetti comes forward and says—I do not wish to be understood as making any remarks on any individual or a community—'you should not be led away by the expression of opinion of pattadars.' Sir P. Tyagaraya Chetti represents the town and has very little to do with the rural population. So I do not think we need attach special importance to his views, but what about the attitude which any honourable member elected by his pattadars should take. I do not wish to repeat the allegation that it is not the general run of pattadars that now elect and that our representation is rather fictitious. Sir P. Tyagaraya Chettiyar's advice shows an amount of contempt for the electors which dares not show itself in the new councils elected largely by the pattadars. Without laying any further emphasis in regard to this assertion of Sir P. Tyagaraya Chetti, I would point out it is absolutely wrong. We have no business here to enact laws if we are going to ignore the opinion of the pattadars. What the Hon'ble Sir P. Rajagopala Achariyar says is 'I have talked to a number of taluk board members.' But the question is not what a few members have said to him but it is the opinion of the country that matters. I think we have really passed the stage when we should be guided by the opinions of a few people."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—"The bulk of the taluk board members are elected by the rural population."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"But I would point out that the electorate consists of a very few members now and it is hardly to be considered representative. Further, the electorate is not the same as that for the new Councils. If Sir P. Rajagopala Achariyar means that the taluk board members have given their assent to the increase of taxation to two annas or such other amount as the Government may think fit to raise, I think he is absolutely mistaken in his view. The question of increasing the resources is not a new one. The necessity for augmenting is known but the particular problem whether it should go beyond two annas is a matter of great importance and I have also pointed out certain other matters. What I say is, on these matters it is not sufficient to be content with the opinion of the Hon'ble Sir P. Rajagopala Achariyar. As a representative of the people, even though elected by a limited electorate, I am bound to say that popular wish cannot be ignored in that way. We ought to know it and pay respect to it. It is wrong to say 'we do not care; let us do what we like'. That is hardly a correct attitude for the Honourable Members to take. Honourable Members are no doubt quite fit to judge for the general public and it is because they would value public opinion as one of the materials for forming their judgment they should give the public a chance of expressing their opinion. The Hon'ble Sir P. Rajagopala Achariyar said 'the Hon'ble Mr. B. V. Narasimha Ayyar and the Hon'ble Mr. M. C. Raja are going to be on the Select Committee; let them fight out the question.' But that is not legislation. Mr. Raja who is a nominated member would no doubt try his very best to support the interests of his community; but what we have now got to do is to consult the various communities themselves. Regarding the Khilafat agitation although it is irrelevant to the main issue here it will be noted that some of the Hindus have been asking the Muhammadans to give up communal representation in the Legislative Councils and I may mention that various communities are just now trying to arrange compacts, e.g., the Hindu-Muhammadan Conciliation Board."

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" Is that relevant "?

His Excellency the PRESIDENT :—" It is quite outside the point."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I am not going to deal with that. The fact that communities are arriving at compacts cannot be ignored and I repeat it once again that it is not merely a theory but a fact before our very eyes. I wish to point out that this is not a matter in which the opinion of the few representatives would be sufficient and I think the whole case is 'is it or is it not necessary to have the benefit of public opinion?'

" It is necessary that we should have sufficient time to raise objections, if any, and for the public to express an opinion. It may be remembered that in the Municipal Bill we had ample time to discuss the Bill, and about the incidence of taxation. Here we deal with local boards, and it is more difficult to get an expression of public opinion. Illiteracy is common in these rural areas, and it will take a long time for them to be able to express an opinion. If the public wish to take time to express their opinion, then what are we to do. It is open to the Honourable Members to pass a legislation. But that would be called passing legislation in a hurry, and that is not complimentary to us. I do not wish to imply anything uncomplimentary, but it is always preferable to have public opinion before us. That is the only thing I wish to say. Although there are a number of other things, I think this is the most important. I entreat once again the Honourable Members to judge only about this, is it necessary to wait for public opinion or not? If they think it is necessary to wait for public opinion let them vote in my favour. If not, let them vote otherwise."

His Excellency the PRESIDENT :—" After the admirable and conclusive speech of my Honourable Colleague, it is not necessary for me to say more than half a dozen words by way of concluding this very interesting discussion. I would like to lay down definitely the policy of the Government in regard to this Bill. We are anxious to pass through this Council a series of Bills with regard to local self-government which we shall be able to hand over to the future reformed councils. By that means, I think, our reformed councils will have a set of legislative enactments of a more progressive and useful character than any other province in India. This is one of the Bills in question. The main point brought forward in favour of the adjournment is, as far as I understand it from the Hon'ble Mr. Narasimha Ayyar, that we must not pass this Bill until we have given the public time to give judgment on it. May I ask him this question, whether it would not be better to start the reformed councils by handing over to them a much more progressive Bill than the present Act which he wishes to keep until the reformed councils come in, when they can still further amend if they see fit? I cannot see any objection to passing this Bill except the one which by Hon'ble friend Mr. Narasimha Ayyar has endeavoured to enforce upon us. I entirely accept my Honourable Colleague's suggestion as to leaving this entirely to the division of non-official members and therefore request Honourable Members who are officials not to vote in the division."

The motion that the consideration of this measure be postponed for six months was then put to the vote and lost.

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" I call for a division.

A poll was taken with the following result :—

For	*Against*
The Hon'ble Mr. K. Venkatappayya Pantulu.	The Hon'ble Mr. T. Arumainatha Pillai.
" Mr. P. Siva Rao.	" Mr. M. C. Raja.
" Mr. B. Venkatapati Raju.	" Mr. M. D. Devadoss.
" Mr. C. V. S. Narasimha Raju.	" Mr. T. Richmond
" Mr. B. V. Narasimha Ayyar.	" Rao Bahadur T. Namberumal Chetti Garu.
	" Mr. W. Vijayaraghava Mudaliyar.
	" Mr. V. Madhava Raja.
	" Rao Bahadur T. Balaji Rao Nayudu Garu.
	" Rao Bahadur V. K. Ramanuja Achariyar Avargal.
	" the Raja of Pithapuram.
	" the Raja of Ramnad.
	" the Zamindar of Parlakimedi.
	" Khan Bahadur N. Muhammad Usman Sahib Bahadur.
	" Khan Bahadur Ahmad Tambi Marakkayar Sahib Bahadur.
	" Khan Bahadur Haji Abd-ul-lah Haji Qasim Sahib Bahadur.
	" Mr. J. H. Thonger.
	" Mr. H. H. G. Mitchell, O.B.E.
	" Rai Bahadur T. N. Sivagnanam Pillai Avargal.
	" Rao Bahadur N. Subba Rao Avargal.

The motion was declared lost, 5 voting *for* and 19 *against*. No official member voted.

14TH JULY 1920.] (*Sir Rajagopala Achariyar; Mr. Todhunter; Mr. Davidson.*)

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I move that the Madras Local Boards Bill, 1920, be read in Council."

The motion was put to the vote and carried.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I beg to move that the Bill be referred to a Select Committee for report."

The Hon'ble Mr. C. G. TODHUNTER :—" I beg to second the motion."

The motion was put to vote and carried.

The Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR :—" I beg to move that the Select Committee be constituted of the following gentlemen :—

(1) The Hon'ble the Zamindar of Parlakimedi.
(2) " Mr. C. V. S. Narasimha Raju.
(3) " the Raja of Pithapuram.
(4) " Rao Bahadur T. Balaji Rao Nayudu Garu.
(5) " Mr. K. Venkatappayya Pantulu.
(6) " the Rev. Mr. Macphail, C.B.E.
(7) " Mr. M. C. Raja.
(8) " Mr. W. Vijayaraghava Mudaliyar.
(9) " Mr. B. V. Narasimha Ayyar.
(10) " Rao Bahadur V. K. Ramanuja Achariyar Avargal.
(11) The Hon'ble Khan Bahadur Ahmad Tambi Marakkayar Sahib Bahadur.
(12) " Diwan Bahadur T. Desika Achariyar Avargal.
(13) " the Raja of Ramnad.
(14) " Rai Bahadur T. N. Sivagnanam Pillai Avargal.
(15) " Mr. V. Madhava Raja.
(16) " Rao Bahadur N. Subba Rao Avargal.
(17) " Khan Bahadur Haji Abd-ul-lah Haji Qasim Sahib Bahadur.
(18) " Major-General G. G. Giffard, C.S.I., I.M.S.
(19) " the Advocate-General.

and myself."

The Hon'ble Mr. C. G. TODHUNTER :—" I beg to second the motion."

The motion was put to vote and carried.

At this stage the Council rose for lunch.

The Council re-assembled at 2-45 p.m.

THE MADRAS IRRIGATION CESS (AMENDMENT) BILL.

The Hon'ble Mr. C. G. TODHUNTER :—" Your Excellency, I beg to introduce the Bill to amend the Madras Irrigation Cess (Amendment) Act, 1913, and to move that it be read in Council.

" The sole object of this Bill is to make permanent legislation that is at present temporary regarding the levy from zamindars, ryots or tenants of the charge for Government water used on zamindari land.

" The legislation was inaugurated in order to restore the existing practice which was disturbed by a decision of the High Court in 1911, and the original proposal was to restore it by rule. When the Bill was first introduced, certain Honourable Members of this Council thought that it was not a proper fulfilment of the functions of this Council as a legislative body to provide for the embodiment of these provisions in rules, and that it would be better to seek for guiding principles for embodiment in the substantive law. The search for guiding principles so instituted has been going on ever since 1913. They were sought for by the Board of Revenue, by the Government, by this Council and by the Select Committee, but without success. The Bill having been introduced, they were sought for in the districts when the rules were framed and again when the Act was continued for a second temporary period in 1916. In this year again, in connexion with the present Bill, I have sought for them by a reference to Collectors, to Honourable non-official Members of this Council and to other gentlemen who had shown themselves to be interested in the matter and by publication of the Bill. So far we have been unable to discover any suitable guiding principles: those which we have been able to discover do not cover all the cases, and a general opinion has been expressed that any attempt to enforce any of the principles that have been discovered would disturb the existing practice, which suits everybody concerned. This Bill is therefore introduced to remove the limit of time from the present Act and make permanent the arrangements which have been in force all along."

The Hon'ble Mr. L. DAVIDSON :—" I second the motion."

The motion was put to vote and carried.

The Secretary read the title of the Bill.

The Hon'ble Mr. C. G. TODHUNTER :—" I now beg to move that the Bill be not referred to a Select Committee for report."

The Hon'ble Mr. L. DAVIDSON :—" I second the motion."

The motion was put to vote and carried.

The Hon'ble Mr. C. G. TODHUNTER :—" I now beg to move that the operation of Council rule 46 be suspended and that the Bill be taken into consideration atonce."

The Hon'ble Mr. L. DAVIDSON :—" I second the motion."

The motion was put to vote and carried.

The Hon'ble Mr. C. G. TODHUNTER :—" As no amendments are proposed, I beg to move that the Bill be now passed into law."

The Hon'ble Mr. L. DAVIDSON :—" I second the motion."

The motion was put to vote and carried.

Resolutions on matters of general public interest.

RESOLUTION *RE* RESETTLEMENT OF VIZAGAPATAM DISTRICT.

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—" The resolution which I have the honour to move runs as follows :—

'I. This Council recommends to the Governor in Council that orders may be passed to the effect that at the re-settlement of the Vizagapatam district inams registered as double crop wet lands in the original settlement be continued as double crop lands 'and that the proposal of the Special Settlement Officer to make them liable to a fasljasti charge be dropped.'

The first settlement of the Vizagapatam district was effected in the year 1889. At that time all the Government lands known as jirayati lands were classified as double crop lands whether they actually yielded double crop or not and it was done, I understand from persons who were well acquainted with the then settlement, with the special permission of the Government after a reference from the Settlement Officer. Special reference was made to the Government whether inam lands also should be classified as double crop lands or single crop lands. I understand that the Government were pleased to order that the inam lands also should be classified as double crop lands. With regard to these inam lands there are some of them which are situated in certain villages which do not yield a double crop but there are a good number of lands surrounded by Government lands which yield double crop. In these cases the second crop is not generally paddy but in most cases it is only a crop of gingelly which is first cultivated by aid of water from tanks or small rivers and subsequently the irrigation in the months of January and February is augmented by baling of water from wells. In the year 1889 they were registered as double crop.

'Now the Settlement Officer proposes that all these lands should be classified as single crop and that fasljasti should be levied for the second crop. My resolution is that this order of the Settlement Officer should be cancelled and that all these lands should be classified again as double crop. During the course of one settlement, i.e., for a period of thirty years all these lands were treated as double crop lands and it may be said that during the course of these thirty years the Government did not augment the irrigation supply of the various irrigation sources. They remain in most cases almost in the same state as they were at the time of the first settlement.

" Since the time of the inam settlement and the first settlement, there has been no change in the irrigation sources. The ordinary presumption is that the same conditions did exist at the time of the inam settlement as they do exist at present, unless it can be shown that irrigation facilities have been improved. I am quite sure that in the Vizagapatam district, except in the way of maintaining the irrigation sources, Government did not do, especially in the taluks of Narasapatnam and Sarvasidhi, anything to improve the irrigation sources. Under these circumstances, it is just and reasonable that the same conditions should prevail and the lands should be allowed to continue as double crop lands. Now, during the thirty years, inamdars have been paying land-cess on the basis of the assessment calculated as double crop lands and they have been paying railway cess on the same basis and there is no reason why the inams should be altered or the owners be asked to pay fasljasti in addition to the ordinary quit-rent. If I understand the decision of the Privy Council correctly, the presumption is in favour of the inamdars. They have got the same irrigation facilities that they had at the time of the settlement unless the Government show that it is to the contrary, and I am sure with regard to Vizagapatam district Government will not be in a position to say to the contrary. Therefore instead of driving the inamdars to litigation, it is better that the Government should consider the whole question in a sympathetic way and cancel the fasljasti. With these words, I commend this resolution for the acceptance of the Government."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Your Excellency, I do not think any words of mine are necessary to commend this resolution to the acceptance of Government. With reference to the re-settlement of the Vizagapatam district, Government has been pleased to give a sympathetic hearing, and when we are considering the question of the inamdars, I trust the same consideration will be shown as they have shown to Government ryots. I beg to second the resolution."

The Hon'ble Mr. C. G. TODHUNTER :—" Your Excellency, I must congratulate the Hon'ble mover upon the vigilance with which he looks after the interests of the constituents of his 'fictitious' constituency and on the zeal which he shows in speeding up the processes of a bureaucratic Government. The grievance which he has unearthed is one that normally would not come up before the Government at all and it is obvious from the wording of his resolution that he has not tarried till the matter had been disposed of by the proper authority, namely, the Board of Revenue.

" I am glad to be able to inform him, however, that the Board of Revenue has since passed orders in the sense that he desires."

With the permission of His Excellency the President the resolution was withdrawn.

14TH JULY 1920.] (*Mr. Narasimha Ayyar ; the President ; Mr. Siva Rao.*)

RESOLUTION *RE* THE PAY OF VILLAGE HEADMAN.

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" The resolution which I have the honour to move runs in these terms :—

'II. This Council recommends to His Excellency in Council that the pay of the village headmen may be raised to a " living wage " or at least to Rs. 15 per mensem."

" There is another resolution covering practically the same subject by the Hon'ble Mr. P. Siva Rao. It will be advantageous if we take the two resolutions together. Mr. Siva Rao is not so definite as myself as to the exact amount. He suggests that the salary of the village headmen may be increased. With Your Excellency's permission, I may suggest to the Council to take up the two resolutions together."

His Excellency the PRESIDENT :—" Does the Hon'ble Mr. Siva Rao agree to it ?

The Hon'ble Mr. P. SIVA RAO :—" Yes ; I will second the resolution."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" Resolution No. XXXII of the Hon'ble Mr. Siva Rao runs in these terms :—

'XXXII. This Council recommends to His Excellency the Governor in Council that the salary of the village headmen may be increased.'

" He is merely for the principle of increase. I want the increase should be up to a living wage, or if that is considered to be too indefinite as nobody knows what a living wage is, then the pay may be fixed at Rs. 15 per mensem. I do not propose to take up more than a couple of minutes in elaborating the position in favour of this resolution. This is an old friend of ours and I think most of us, if not all of us, were present at the discussion we had soon after the Salaries Committee's report was placed before us. Therefore I only wish to point out that there is a great deal of force in the old Persian saying 'even quick injustice is better than delayed justice.' Government have passed orders on some of the proposals of the Salaries Committee and they are delaying a great deal before they will mete out what they consider to be justice in other cases. With reference to the village officers, the last order that I was able to find out related mainly to other village officers, karnams and others; and as for the village munsifs, the Government accept practically the suggestion of the Salaries Committee that the office of village headmen may be treated as an honorary office with an honorarium of Rs. 6 or Rs. 4 and that what is specially necessary is to ensure that they are treated honourably. I would point out that the Government is expecting too much in the matter of getting them honourably treated. The question, is whether it is possible now to tryland raise these fallen gods, namely, the village headmen to their pristine position of respect. About land grants, the Salaries Committee says 'The system of moneyed salaries has been introduced and it is now too late to go back upon it.' I am afraid that it is similarly too late to go back upon the fact that the village headman is an officer, in a large number of cases, relying upon his money doles for his existence, for I do concede that in a comparatively small number of cases the village headman is a richman and can manage without a pie from the Government. Still we cannot ignore the very considerable number of cases where the headman is dependent upon his position for getting his sustenance. It appears to me therefore that in the language of the Salaries Committee, it is now too late to go back upon the system of moneyed salary. Money grant cannot be treated as an honorarium. The first request I make to the Council and through the Council to the Government is to come to a quick conclusion and in coming to a quick conclusion, it is open to us to consider two points. The first, is to accept the suggestion of the Salaries Committee and try to treat the village headman as an honorary officer. I wish that Government makes a serious attempt to do so. The first thing that they would have to do is to order that supplies should not be attended to by the village officers. The village officer has absolutely no dignity left for him to maintain, if he is called upon to run after every officer who turns up at the village. I have known village officers running after the carriages of officers and naturally they look very small even in the eyes of totis. The village officer gets Rs. 5 or 6 and the totis are to get Rs. 8 very shortly and therefore the latter are apt to think that village officers are smaller officers. I think it is an anamolous position. If it is the intention of the Government that the village headman should be respectably treated, we must issue orders that they should not be treated in the way in which they are treated now. It is a matter of common knowledge that when the headman wants to make a report about a crime, he first wants to find out what the head constable has to say, because if the report is not according to the views of the head constable, the latter will tear up the report and dictate the report in his own way ; otherwise, he may say that the matter will be reported to the Superintendent of Police who will know how to get the village munsif dismissed. That is the present situation of the village headman. It is not universal, but it is prevailing in a large number of cases. If you are really going to restore him to his original position, let us do it quickly and in a business-like way, and issue orders that he should not be responsible for supplies, that he should not be at the beck and call of head constables and others, and so forth. I know, however, that the tendency is to take away his prestige. Your Excellency may remember that we recently passed the Village Courts Act, and we took away his powers and conferred the power mostly upon panchayats. The village headman is a less important figure now, and when we get the general Panchayat Bill, and I hope the Hon'ble Sir P. Rajagopala Achariyar will be able to discover the time for doing it, though I doubt very much that the time at our disposal is not enough, the village headman will have still further lost his importance. We have got to take note of the fact that the present tendency is to minimise his importance in these days of advancing democracy.

"In a few places no doubt he maintains some respect. Therefore he deserves the former alternative. It is time enough to act quickly I repeat. It is creating keen discontent in the villages. Village headman should not be treated in this fashion. So many hundreds and thousands of rupees are collected by him and the administration has still a great deal to get out of him. Therefore I submit to the Honourable Members of this Council that we should act quickly and determine in which of the two ways we are going to deal with the headman and it is high time to raise this fallen god to his pedestal or he must be given a living wage, just as we pay a living wage to the karnam. The Salaries Committee has given very cogent reasons for making Rs. 15 the minimum with which a man can live. Menials and peons cannot live on Rs. 13 or Rs. 15 and certainly the village officer cannot any more than the peons. Therefore Rs. 15 may be taken as the minimum living wage in the rural area. I submit that Rs. 15 is practically the minimum for the karnam. Similarly we may adopt Rs. 15 for village officers. I put the case most modestly for village officers and it will be for the Honourable Members here to find out which of these alternatives they are pleased to take. I recommend that Rs. 15 may be given as the minimum."

The Hon'ble Mr. P. SIVA RAO :—"Your Excellency, I second the resolution. A reference to the village manual will make it plain how numerous are the duties of the village headmen, how onerous they are and how responsible. The headman is the magistrate of the village. He collects the revenue. Also, in addition to these duties he has to attend upon officials who visit the village. There is hardly one official who does not call upon the village headman to be present. The Station House Officer comes, the Sub-Magistrate comes, the Revenue Inspector comes, the village headman will have to attend on him and be present throughout the investigations. In spite of these numerous duties I do not see any reason why there should be any distinction shown between the case of karnams and village headmen. I believe the Salaries Committee, as they were pressed with shortage of funds, they conveniently call him honorary officer and shelve the whole question. They say in paragraph 212 of their report 'the committee consider that it should be recognised that the salary cannot properly be regarded as pay at all but is an honorarium for out-of-pocket expenses." If this is to be considered as honorary at all, why pay Rs. 4 or Rs. 5. And as was pointed out by the Honourable mover, when totis and other menials get Rs. 8, it is ridiculous that their most responsible officer should be getting the same pittance. There is the impression that the headman owns extensive lands in the village. Probably it was so in former times. It is not the case now. They are all poor : they are not well-to-do people. This office cannot be treated as honorary at all. He is not like the chairman of a municipality or village panchayat. He has got certain prescribed duties to do and he is a servant of the Government. And then Government in their latest order have not accepted the theory of the Salaries Committee that the office should be treated as purely an honorary one. They say that that theory does not meet with universal acceptance. They say that there is a large body of opinion that a different system of selection should be the condition precedent to the enhancement of the headman's emoluments. I do not know, Your Excellency, what other different system of selection is contemplated. Probably they refer to the pending legislation proposed for the amendment of the Madras Village Officers Act. And then the Salaries Committee noted that he must be relieved of certain of his duties, duties especially of attending on officials who visit the village. Your Excellency was pleased to refer it to the members of the Legislative Council and give them an opportunity of offering their views in the matter. I remember very well there was a general consensus of opinion among the members of the Legislative Council that the karnam and the headman should be treated alike. I do not know why the claims of the headmen were overlooked. In any way, Your Excellency, the claims of the headmen cannot be ignored any longer, as the mover says the sooner they are met, the better. For these reasons I second the resolution.'

The Hon'ble Khan Bahadur A. T. G. M. AHMAD TAMBI MARAKKAYAR :—"In supporting this resolution I beg to say a few words. I have already said something about this in previous meetings. I also interpellated the Council about the increase of wages to village officers. Karnams are getting Rs. 15 salary according to recent orders. They are working under the village munsifs and they are getting Rs. 15. The village munsifs are not getting as much as or even half their pay. Though the village munsifs are endeavouring to get more than the pay that the karnams are getting, still it is only desirable that the village munsifs should get at least the same pay as the karnams are getting and so I support the resolution and request that the case of village munsifs should be considered favourably.'

The Hon'ble Rao Bahadur V. K. RAMANUJA ACHARIYAR :—"Your Excellency, I oppose the resolution. It is not proved that many headmen are poor and wish for a living wage. In my district most of the headmen are well-to-do people. They have got landed property to fall back upon. Probably Bellary is in a very unsatisfactory condition and many headmen there are too poor. But I cannot reconcile this fact with the fact that for the possession of office large sums of money have been spent in the Bellary district. If the men are too poor, they should be got rid of at the next vacancies, and better men should be substituted. This is the time when men are willing to come forward to do honorary work. They are working without money on union panchayats, village panchayats, municipal council and local boards, and I do not see why the headman should not continue to do honorary work as they have been doing hitherto. What has been paid to them was not salary, but honorarium. I pressed upon the attention of

the Salaries Committee that the honorarium should be completely abolished. My suggestion was opposed and we retained the honorarium as a matter of compromise. I have no objection to accepting the Hon'ble Mr. Narasimha Ayyar's suggestion and knocking off the honorarium altogether. It is not true that the headman is looked down upon as an inferior being, because he is getting lower pay than the karnam. The pay of the headman has been for many years much less than the pay of the karnam. Still the headman has been regarded as a more important personage than the karnam, and I do not believe that in future the village munsif will be regarded as an inferior person. It is rather an unpleasant thing to oppose this resolution on the eve of a general election, because the village headmen are important people and they carry with them the votes of many in the village. But as I do not intend to stand for election to the next council I can afford to treat their displeasure with indifference."

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTIYAR :—" Your Excellency, I regret I have to oppose my friend's resolution. I have some experience of what a village headman or a reddi is — these are all kindred names in different places. This reddi is a highly respected man in the village. He is known as the first man in the village and he is the person to whom every quarrel in the village is referred and he is the man who settles the disputes in the village. If it is my friend's idea that that man's position should be pulled down and that he should be made a salaried man, I do not know that it is his intention, I say that it must be the duty of this council to see that such things are stopped and that their position is restored. If they are pulled down by the officials, such as tahsildars and police inspectors, after whom these people are made to run, it must also be the duty of this Council to see that such things are stopped and he is again made a respected person of the village. If instead of that we are to say that they should get salaries, they become paid men and they will be treated as servants like the village karnam, the toti and the talaiyari. I say that position is simply ridiculous and ought not to be permitted under any circumstances. If you know the history of the village you will find that these men were the wealthiest of the village and owned large areas of land. It may be under the present circumstances of division in the families that these are reduced to the position of receiving a living wage. If we find that these people are reduced to such a position all that we should do is that such men should be removed and the post given to a better class of men. That must be the position of the council and I am sorry to say that my friend should have thought fit to bring down these people instead of raising them. Of course my friend might say that I have no experience, but I know what it is. No doubt if people try to bring them down to the level of servants by asking them for supplies, even then they can keep up their position, and behave like gentlemen. With these remarks I say it must be the duty of the council to see that they are placed in a better position and that they do not become servants. No doubt they do spend something out of their pocket for these supplies. They are made to go to the taluk office and they must get some money to meet this expenditure, but there are many who would like to enjoy the honour of village headmen even spending money out of their pocket, who perhaps in future will be members of taluk boards and other bodies. If anything is allowed, let it be in the way of honorarium and not in the shape of salary."

The Hon'ble Mr. W. VIJAYARAGHAVA MUDALIYAR :—" I beg leave to support this resolution. So much has been said about the honorary character of the duties performed by these village officers. Of course I would have no objection to the proposal to do away with their emoluments altogether. If the emoluments are abolished, then the men will know that they are asked to do the work gratuitously and would undertake to do it as an honorary job. But as it is, from my experience I have to say that from the treatment that is meted out to them, they must not be classed as honorary workers but honorary labourers if not honorary coolies. With the treatment that is accorded to them, with the difficulties that they are put to, with the amount of expenditure that they are asked to incur in the performance of their duties, to tell them that they are honorary workers with a pittance as an honorarium is, I submit, adding insult to injury. Without going into the merits of the question whether it is to be considered as a salary or as an honorarium, I think, even as an honorarium, this thing was fixed with some object. It was probably with the idea of recouping them for some expenditure that they incur or to meet their out-of-pocket expenditure. Even in that view I submit it has to be enhanced. The question of enhancement of salaries and other allowances has had now to be taken up, because of the rise in the prices of so many necessaries of life. Now if this amount of honorarium that is allowed to these officers is to be of any use to them, the purchasing power plays an important part and therefore, call it salary, call it honorarium or call it anything you like, I say that along with the depreciation of the rupee, along with the reduction of the purchasing power of the rupee, this pittance that is allowed to them has got to be increased. I therefore submit that the case of these poor men and the lot of this very large number of workers has to be considered with some consideration. Of course because of the very large number of men that have to be helped in this matter, the amount of money that is required to meet this demand will be very large. Simply because a large amount is necessary it is unfair to deny them altogether any remedy and I therefore submit that the hard lot of these men may be sympathetically considered. If they are to be treated as honorary workers it is only fair that their expenses in going to taluk headquarters and dancing attendance on officers on sundry occasions, must be paid either in the shape of travelling allowances and detention allowances while they are absent from their village or in the shape of increased salaries. I therefore support this resolution."

The Hon'ble Rao Bahadur N. SUBBA RAO :—" Your Excellency, the village headmen in my district are called *potails* and these in former days were recruited on hereditary right from the wealthy classes of people, that is, the land-owners. Our system of inheritance also in the district is what is called the Aliyasantana system, that is to say, properties are undivided and the *ejaman* is the head and all the junior members are only fed in the family house. These village headmen were recruited from this class of people and they did not agree either to an honorarium or to any pay, but they took it as a great honour to be the *potail* or village headman or the first citizen of the village. Under these circumstances years rolled on and the joint family system that was prevalent in South Kanara was slowly being knocked about by the advent of education. From the vaccinator up to the tahsildar and even the Collector depends for supplies upon these village headmen. I am of course aware that the Government have been passing now and then various orders discouraging such practice but as a matter of fact on the score of hospitality, misplaced or not, these village headmen do incur a lot of expenditure. They are often asked to come to headquarters and thereby incur some expenditure. As I said, the times are changing and the *ejaman* does not care to be the village headman because in former days officers from the Collector downwards treated the *potail* in a respectable way. Nowadays, he is considered as a menial, as good as the karnam. So he has lost the prestige which he had. The junior members often have no private means. The state of things I believe is the same all over the presidency—that the village headman lost much of his dignity and prestige. In the meantime, the hereditary right was no doubt well contested in the revenue courts and they were paying very highly for the vakil from Rs. 100 to 200 to get their rights established. I say this just to show that they are keen for the hereditary right. Now all that feeling is breaking up and the consequence is that many of those richer landlords do not care to be the village headmen and naturally a number of headmen have been appointed from the poorer lot, the hereditary right being ignored by the Revenue Board. When they are so appointed they must have a living wage. I view this question from this standpoint and I also beg Your Excellency to consider this question in this light. That is to say the whole question will depend on what view the Government is going to take of these village services. If they consider that these people have got a hereditary right, I submit the position becomes quite different but if their hereditary right is going to be removed, for reasons good or bad, then the aspect of the question becomes totally different. If it is considered hereditary, then the appointing authority will certainly see that those persons who can afford to do honorary work are appointed and they will be the real headmen and headmen in every sense. I do not think they require any emoluments except to the extent of what they call 'allowances', because even if the Government pass circulars or orders these people will have to incur some expenditure—I am sure, not less than Rs. 10 to 15 a month. Many of these headmen, at least in my own district, belong to undivided families not having independent means and depending upon on allowances given by the *ejaman* who is the trustee and the spender of all the income; even though they belong to respectable big families they have not the wherewithal to meet any extra expenditure. As I said, everything depends on what view the Government is going to take. If the appointment of village headmen is to be hereditary and if they are going to be appointed from the richer folk, I think some allowance, Rs. 10 may be granted to them; but if they are going to be servants and if the Government wants to treat them as mere servants, then I submit that even Rs. 15 is not a living wage. If the karnam gets Rs. 15, certainly anything less than Rs. 25 is a very small amount for the village headman. If I am permitted, there may even be an amendment to the effect that the amount proposed namely, Rs. 15 be changed to Rs. 25 on the supposition that the *potail* is going to be a paid servant of Government. He is the man who brings all the revenue of 120 million pounds sterling to the Indian Exchequer. He is the man who is invested with so much power and he must be respected by the country as well as by the officers. I would support the resolution even though there is no amendment."

His Excellency the PRESIDENT :—" Does the Honourable Member propose to move his amendment ? "

The Hon'ble Rao Bahadur N. SUBBA RAO :—" No, Your Excellency."

The Hon'ble Rao Bahadur T. NAMBERUMAL CHETTI :—" At the Salaries Committee it was elicited that if some extra amount was given to the munsif and the other officials at the rate of Rs. 4 and 2, the amount required to meet the additional expenditure would be about 84 lakhs. If no increment was given to the village munsifs, the amount required was about 36 lakhs. Roughly speaking, there are about 10,000 village munsifs and if Rs. 4 increment were sanctioned to each, it would amount to Rs. 4,80,000. This is another puzzle to the Finance Member as to how to meet this Rs. 4 extra to the village munsifs. The Government are already trying to meet the deficiency consequent on the grant of an allowance of Rs. 10 to the subordinate ranks. What I want to impress upon this Council is that at the Salaries Committee it was elicited that each village munsif has to do twelve separate duties—he is the registrar of births and deaths, he is in charge of vaccination reports and so on. It was clearly stated that he is to perform twelve duties. If for each duty he is paid Re. 1 either as honorarium or to meet out-of-pocket expenses, Rs. 12 is the least amount and if this is sanctioned I am sure there will be a good deal of heart burning lessened. I therefore heartily support the proposition."

The Hon'ble Mr. J. H. THONGER :—" There is a mass of evidence before the Salaries Committee that the village headmen are men of some status and respectability. They should be treated as men holding honorary office by virtue of hereditary right."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" Your Excellency, even at the risk of being criticised by the Hon'ble Mr. V. K. Ramanuja Achariyar that I am interested in supporting the resolution of the Hon'ble Mr. Narasimha Ayyar as one seeking election to the Council, I venture to state that the position of the village headman is very anomalous. On the one side, he represents the Government in the village. In fact he is, so to speak, the representative of His Majesty in the village, and he has to maintain his position and dignity. On the other hand, so far as I know, several village munsifs in my part of the country are not so rich as has been represented by the Hon'ble Sir P. Tyagaraya Chettiyar or by my Honourable friend Mr. V. K. Ramanuja Achariyar. There are many village munsifs who are hardly able to meet the needs. It is a common experience, I think, and it need not be detailed here how and what demands are constantly made on the limited resources of these village officers. His case is pitiable not only in the matter of expenditure, but also the way in which he is treated by everybody in the Government offices, from the police constable to the tahsildar or even higher officers. The treatment accorded to him does not allow us to consider that he is really a representative of Government or that he is an officer who is entitled to any special respect. That factor of respect and consideration does not seem to enter into the minds of the officers who have to deal with him every day. Such is the common experience, I believe, of the position which the village munsif occupies in his village. He has all along been treated as a village servant, as a paid servant and not as a person occupying an honorary position. That is only a recent introduction, I believe, since the Salaries Committee began to write their report. Somehow this idea entered into their minds, and they thought of this, probably because, as has been stated by the Hon'ble Mr. Numberumal Chettiyar, the expenditure is so enormous that the Financial Member will find it impossible to meet it. I do not know what reasons have led the Salaries Committee to consider it to be an honorary position. I would be very glad if that is converted into a really honorary position and the village munsif is treated with that consideration and regard which a member of a village panchayat or union or a taluk or district board usually commands. But we have to face the facts as they are. It is a clear matter that village munsifs are, after all, paid servants, and as, paid servants, the Hon'ble Mr. Narasimha Ayyar has asked that they should be given at least a living wage. Of course, it might have somehow displeased the Hon'ble Sir P. Tyagaraya Chettiyar that they should have been represented as occupying a position requiring a living wage. I do not mean any disrespect to the village munsif. All that I want to represent is that many of them are really poor, and therefore they do require at least Rs. 15 per mensem. After all, that is a very small sum, having regard to the peculiar position which the village munsif occupies. I need hardly dilate upon this subject. Everybody knows what the needs and wants of a village munsif are. When a karnam gets Rs. 15, why should not a village munsif get at least Rs. 15? Having regard to his position he must require more ; but as the resolution goes, it is only for Rs. 15. I heartily support the same."

The Hon'ble Rai Bahadur T. N. SIVAGNANAM PILLAI :—" I do not know wherefrom the idea of honorarium was extracted. Is it in any book ? I should like to know the authority before I begin to debate upon it. As a matter of fact, it is a thing which has been brought into existence only after the report of the Salaries Committee had been received. Whatever it may be, the fact remains that in the villages the village munsif is as much a servant like the karnam and that he is not held in that high respect which some of our members here seem to attach. So far as the Tanjore delta is concerned, our friend Mr. Ramanuja Achariyar may be right in saying that the village headman occupies a very respectable position. But if you go to the Kallanad and into the upland portion of the district, you will find that kalla headmen are almost as poor as the karnams who inhabit the same village, in fact poorer still. The same is the case in the Tinnevelly district and in some other districts of which I have got experience. You can count with your fingers the number of village munsifs who have got real influence or who have got property to command the influence. The rest of the people live upon their wages. It may be that in times gone by they held a very high position, and, on that account, they might have been selected for the office. But according to the incidence of family life in this presidency, the family property becomes divided with the birth of many sons, and now after many generations, it is only the name that is there, and the old family is gone. Therefore it is a mistake to suppose that the village headman can live on the rank and respect which they once commanded. They want wages like any other servants of Government and it is these wages that we must give. Having given Rs. 15 to the karnam, it really surprises me as to why the village headman, who is also working side by side, has not been given any emoluments. This honorarium theory does not appeal to me. There is one point made by the Hon'ble Mr. Thonger that it was a question of hereditary appointment that was the deciding factor so far as the village munsifs are concerned. But as a matter of fact in many districts the office of karnam is hereditary, and is settled in court by suits. The civil contest goes on from the lowest court of the Divisional officer up to the Board of Revenue, and they are not satisfied even then ; the argument will not apply that there is differentiation between the two men, on account of the hereditary question. I therefore strongly support the resolution brought forward by the Hon'ble Mr. Narasimha Ayyar that the pay of the headman must be raised to Rs. 15 all round. Some of my learned friends appear to be labouring under the impression that nothing has been done to the village headmen in the matter of expenses incidental to going and returning from the headquarters. Recently Government were pleased to allot Rs. 10 a year for all karnams

and headmen who have to go to Taluk office on business. Therefore with this knowledge, they might retract that portion of the remark which pertains to the expenses in regard to going and returning from headquarters."

The Hon'ble Rao Bahadur T. BALAJI RAO NAYUDU :—" In supporting the resolution, I beg to state, that the statements made by the previous speakers clearly show that the office of village headmen is not honorary. They have got more duties to perform than the karnam. Therefore I submit that if their salaries cannot be raised on account of financial difficulties, they may be treated as honorary officers and that the hereditary nature may be removed, so that the office may be thrown open to the rich and influential men. If that is not possible, the increase which has been recently allowed to the karnam may be distributed equally between the two officers. That would be the fair way of dealing with the position."

The Hon'ble Mr. C. G. TODHUNTER :—" Your Excellency, I have listened with great interest to the debate on this very serious and difficult matter. It is a matter on which we specially desire to have the full and considered opinion of Honourable Members of this council.

" The debate has shown that opinion on this question has been influenced by considerations quite foreign to the matter of the salary of the headman, which forms the subject of the resolution. One of these considerations, on which a good deal of stress has been laid, is the position, treatment and prestige of the village headman. I venture to think that that is a consideration that is not relevant to the present enquiry. I do not mean that we are indifferent to it. It is a question into which we are making enquiry separately. We are going to do what we can to remove the causes of the complaints that have been made. Whatever his position may be, however, we cannot improve it by giving him a rupee or two more a month. Therefore I think we may leave that out of the question for the moment.

" As regards his salary, the supporters of the resolution have objected to it from two opposite points of view. On the one hand, some have said that it should be increased to Rs. 25, and, on the other hand, some have said that he need not be paid anything at all. I have been hoping all along that the supporters of the one or the other view would have moved an amendment and taken the opinion of this council on the matter. Unfortunately the Honourable Members who expressed these different views have not gone the full length of their convictions. If the Hon'ble Mr. Narasimha Ayyar had not been himself the mover of the resolution, I feel sure that I could have relied on him to move an amendment declaring that the office should be made fully honorary.

" Again, even the mover and the seconder have shown a considerable difference between them in the grounds on which they support the resolution. The mover says 'you have taken away his work by the Village Courts Act and the Village Panchayat Bill. Therefore you must pay him more to make up'. The seconder of the resolution bases his argument for an increase on the very large amount of work he has to do.

" Several Honourable Members again have referred to the question of the expense involved, which the Hon'ble Mr. Venkatappayya says would be a small amount. So far as I have been able to calculate, the payment of a salary of Rs. 15 to all village headmen in the Presidency would cost us 32 lakhs a year. This is not a small amount, but a very serious matter. The Hon'ble Mr. Namberumal Chettiyar has called attention to the very large cost involved in enhancing the salaries of village officers. We have village officers and servants numbering in all 118,500, so that every increase of one rupee a month all round involves us in an expense of 14 lakhs a year. So far as I am able to judge from a scrutiny of the budgets of the other provinces, there is no other province which is involved in expenditure on anything like this scale. There are only six provinces in the budgets of which I can find a record of any payment on account of village establishments at all, viz., Bombay, the United Provinces, the Punjab, the Central Provinces, the North-Western Frontier Province and Bihar and Orissa, and their total estimated expenditure on village services in the budgets for 1920–21 amounts to 108 lakhs a year. If the Council accept this resolution and raise the pay of the village headmen to Rs. 15, we shall be spending in this province on village establishments 145 lakhs or nearly $1\frac{1}{3}$ times the total of the budgeted payments for the other six provinces."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—" May I know the total number of village officers and servants in each province ? "

The Hon'ble Mr. C. G. TODHUNTER :—" I am afraid I cannot give the number in all, but I may say that the number is comparable to ours only in the United Provinces.

" I do not pretend to be able to explain these figures. Probably a good part of the explanation lies in the fact that a large part of the remuneration of village officers in the northern provinces is in land. We have converted their remuneration into cash, and if we want to improve their pay, we must find more cash. When I received a deputation of village officers on behalf of Your Excellency some time ago and we discussed this matter and they put forward certain proposals, I was constrained to point out to them that, if we were going to raise their pay to the sums suggested by them, the net result would be that the whole of the Provincial half of the land revenue would go in paying the staff while the rest would go to the Government of India under the Meston Committee award.

" This being the case, I do ask Honourable Members before they vote for the resolution, which would involve us in a very serious expenditure, to consider whether this is the most urgent

demand on our finances at the present day, and I would further ask Honourable Members who support the resolution to make suggestions as to the provisions in the budget for matters of minor urgency from which they would propose that we should take the money.

"Till I hear their suggestions I cannot say anything as to the merits of the items they would cut out, but I may perhaps say a word or two on the merits of the item which it is proposed to substitute.

"The Hon'ble Mr. Narasimha Ayyar has pointed out that we have taken away a great part of the village headman's duties. The Hon'ble Mr. Namberumal Chettiyar says that his duties are twelve. I would refer him to paragraph 203 of the Salaries Committee's report where it is stated that his duties are only six, the collection of the revenue, petty suits and cases, police duties, registration, vaccination and cattle-pounds. Now out of these, petty suits and cases are going in the main to the village courts. The Village Panchayat Bill provides for registration of births and deaths, vaccination and cattle-pounds being dealt with by village panchayats. There are one or two other minor items which will, I think, go with them. There only remains the collection of the revenue. As regards this, the Salaries Committee have recommended that, whenever it is difficult, the village headman should be authorized to employ process-servers. When all this is done, it would seem that the village headman will have left to him little beyond his dignity, a seat on certain panchayats, and perhaps his hereditary right.

"In connexion with this matter of hereditary right, the Hon'ble Mr. Siva Rao asked what was meant by the statement in the order on the Salaries Committee's report that there are certain proposals on foot. This is a point on which the most diverse views are held. Some honourable gentlemen hold that the present position should be maintained and increased salary should be given. Others hold that the corollary to the grant of increased pay should be the taking away of the hereditary right. Others again urge that there should be neither hereditary right nor payment and that the office should be made honorary. Some others go to the length of proposing that the office should be made elective. It was the diversity of the views held on this point and the changed conditions that are coming through the introduction of the Village Courts Act and the Village Panchayat Bill that have induced the Government to postpone consideration for the time being of the Village Officers Bill which made some slight modifications in the position as regards hereditary right.

"Meanwhile the Government have accepted the conclusion of the Salaries Committee, and in that decision they were largely affected by the fact that that was the recommendation of an influential committee mainly composed of non-officials, the majority of whom were members of this Council. We have heard to-day from two members of the committee that their conclusion was not a clear-cut decision of the question. It was the effect of a compromise which, I am afraid, is what we rather suspected. But we thought it best to follow it for the time being.

"I think from what I have said on the financial aspect of the question and on the question of the future of the village officer that it will be clear that the effect of accepting this proposal would be to put the future Government in a very embarrassing position. If, therefore, you are going to interfere with the hereditary right, and if you are going to alter the position of the headman very largely, I ask if it is wise to prejudge the question by fixing what is called 'a living wage' to the post

"I hope I have said enough to show what a very difficult matter the whole question is. I do not think that we are in a position to arrive at a definite conclusion to-day. The greatest weight will be given to the views of Honourable Members when the matter comes up for final examination, and I hope therefore that they will not try to force us to take action now which would prejudge the issue and involve us in a serious financial difficulty."

The Hon'ble Mr. B. VENKATAPATI RAJU :—"It is a salutary principle in England that no private member is allowed to introduce any Bill or any proposal for the increase of salaries. If that practice is adopted here, it will avoid a good deal of trouble. On account of the pressure we are obliged to move recommendations for increases of pay. Though I do not generally agree with the officials, I am glad to be able to say that I agree with the Hon'ble Mr. Todhunter because it is very difficult to find Rs. 32 lakhs in addition to the increased expenditure due to the Government having accepted some of the recommendations of the report of the Salaries Committee. But there is one grievance still left. The trouble has arisen because Government were pleased to grant increases of salaries to karnams. Karnams and munsifs stand on the same footing. Government have not yet committed themselves to any view on this question. When you pay to one of the two village officers, you must also pay to the other. I can endorse the view of the Hon'ble Mr. Venkatappayya Pantulu that the village headmen are not rich, and most of them, I may tell the Council, are even cart-drivers driving for hire. They are very poor and their salary has to be increased. Whether Government can afford to pay the increase is a matter which must entirely be decided by the Hon'ble Mr. Todhunter, because he knows the best way to find the money. I only appeal to the Government that there is absolutely no reason to differentiate between the headman and the village karnam, so long as both of them get salaries. Once you remove that, the matter is quite different. But as they are at present, both of them deserve equal treatment."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"I believe most of the arguments advanced by the Hon'ble Mr. V. K. Ramanuja Achariyar and Sir P. Tyagaraya Chettiyar have been met by my predecessors and I wish only to make one or two statements. My friend Mr. Ramanuja

Achariyar said that less pay did not mean inferiority, but I tell him what it does mean. Less pay means loss of bread and therefore those who receive it have to resort to corruption or other wrong methods. He said that less pay is a long-standing fact, but I think that is a greater reason for early action. Sir P. Tyagaraya Chettiyar says why should this great judicial dignitary, the village munsif, be pulled down and made a salaried official. Nobody is making him a salaried official. He is that already. The real fact is we are in the parting of ways. There are village munsifs who correspond to the type that Sir P. Tyagaraya Chettiyar has in view and munsifs of the other type which my Hon'ble friend Mr. Sivagnanam Pillai has in view. The question is which of these are you going to abolish. We had a very interesting statement from the Hon'ble Mr. Todhunter who says that twelve duties are alleged by Mr. Namberumal Chettiyar to be in existence but he finds only six there and even these are fast disappearing; so that I thought logically he would abolish the post of village munsif. And if he does that I suppose the question will be solved once for all. So long as we have them as salaried officials we have got to pay their salaries. Of course the Hon'ble Mr. Todhunter is right in saying that various suggestions are put forward, namely, if we are to get more honour attached to this post it is not fair and proper to extract work from them. And we should not pay these poor people less than what the karnam is paid. In the case of a large number of people it is felt to be unjust and improper because they do depend upon what they get in the village for their sustenance. I think the Hon'ble Mr. Todhunter misunderstood me when he said that I was putting my case on the ground that the work of the village munsif has been taken away and therefore I want that he should be paid more. It is not because the work is taken away, but I pointed out that the prestige is taken away. If the man is not asked to try suits and to do administrative work, there is less of prestige."

His Excellency the PRESIDENT:—"Does the Honourable Member wish to pay for prestige?"

The Hon'ble Mr. B. V. NARASIMHA AYYAR:—"I do not exactly mean to say that you must pay for prestige. Unfortunately these men are not going to have prestige again. It will be an excellent thing to make these men honorary and ask them to do less work. Probably they will ask for more allowance than pay. Now I am not asking for more pay because work has been taken away, but the real difficulty has been touched upon by the Hon'ble Mr. Todhunter. The practical question which all responsible people must face is, 'Is there or is there not the money'?

"And then the real question has been touched upon by the Hon'ble Mr. Todhunter. Is there money or not? I wish he would have thrown clear light on this problem. The Hon'ble Mr. Todhunter has been somewhat mystic to-day. He quotes figures for the entire village staff and says some 50 lakhs or so is essential to give them Rs. 5 a head. He has pointed out another fact which does not help us. He says that the Central Provinces, Bombay and the United Provinces pay so much. It is a useless piece of information, because we do not know what the total income realized including land grants in those provinces is, so that really on the most important point the Hon'ble Mr. Todhunter has been silent practically because he has no case. So far as the real fact is concerned, the Hon'ble Mr. Todhunter must be candid—can we find 20 or 30 lakhs immediately? That is the question which gives one a lot of trouble in voting for my resolution. I am sure it should have given Mr. Todhunter also a lot of trouble. There has been keen discontent, and it will be very hard if we do not set about finding ways and means. The Hon'ble Mr. Todhunter says 'we shall do something to restore the village munsif's prestige.' If we are going to do that quickly we are delighted. If we are to take the suggestion of some Honourable Members, let us appoint the big men of the village for these places. If that ideal is accepted, there is no pecuniary difficulty. If we are going to limit the selection of village munsifs to rich men, they will ask for their own terms and will be insisting on rights of heredity. Are we not choosing a bad line of economy? Therefore the Government should consider whether it is after all preferable to proceed in the direction of improving the prestige of village munsifs and try to make them honorary officers, which I am afraid in a large number of cases they are not. If therefore that alternative is abandoned, then the question arises how to find money for these people. If the entire land revenue is taken off by these village officers, as Mr. Todhunter says, we are left to starve. That lurid picture of course is distressing. But is it necessary to go so far as that? Can we not do something to make these most important classes contented? I do not wish to make any remarks which would have a tendency to encourage discontent. Therefore I abstain from mentioning what the consequences may be. But is it not desirable to try and find out some way to restore mental peace to this useful class of officers, who are collecting the very important portion of land revenue. If it is agreed, the Government will look into the ways and means and try to discover at an early date to do something to restore the prestige of these people. The Hon'ble Mr. Todhunter has not said that he would address himself to the question and discover ways and means. I do not think it is a thing which by itself could be settled. I hope the Government will come round and see that something ought to be done. The Hon'ble Mr. Todhunter's answer cannot possibly be accepted. Therefore I hope the Honourable Member will consider the matter."

The Hon'ble Mr. C. G. TODHUNTER:—"Your Excellency, there are just one or two points I should like to mention in reply. The Hon'ble Mr. Venkatapati Raju says that we must

increase the pay of the village headman because we have increased the pay of the karnam. I do wish to put it to the Council that the karnam is an officer who is fully occupied during the greater part of the month. He has 30 or 40 accounts to keep. He is the clerk of the village headman. The headman on the other hand is losing his duties day by day. And such duties as there are are much more of an honorary nature than those of the karnam. The Hon'ble Mr. Narasimha Ayyar says that I had been very mystic about the question of finding money. He challenges me to give the figures for other provinces. I offer him therefore the following comparison with the United Provinces, which are the only ones at all comparable to ours. We have 118,500 village officers and servants and, prior to the recent addition, they cost us 72 lakhs of rupees a year. In the United Provinces they have 114,000 men and prior to the addition they paid them 58 lakhs of rupees a year."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Anything about the quantity of land ?"

The Hon'ble Mr. C. G. TODHUNTER :—"I have no figures."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"Then that is mystic."

The Hon'ble Mr. C. G. TODHUNTER :—"I shall give another comparison. The Hon'ble Mr. Siva Rao is going to move a resolution to the effect that we must increase the proportion of pay given to other members of the subordinate staff. If we could find the money, I should be only too glad to accept that resolution. From a question on the paper I take it that it is exceedingly probable that he will tell us that we are paying a far lower proportion to our subordinate staffs than the other provinces are giving. Well, I will present the Honourable Member with this fact. The total sum we are paying is twice as much as that paid by the province which is giving the highest percentage, one of the several reasons being the sum that we are paying to village officers. Another is the enormous number of the subordinate staff in this Presidency. That is an illustration of the difficulty now existing in dealing with the finances of Madras. As I have already said, it is open to any Honourable Member who wishes to find the 32 lakhs to indicate the items in the budget which he would cut out. But Honourable Members will see from the statement which has been placed on the table that we have already simply cut the budget to pieces in order to find the money we have already found for increased salaries. I have been trying this morning to find any further means of reappropriation in order to provide the funds required by Mr. Siva Rao's motion. But I regret to say that so far my researches have been unavailing. I greatly fear that, for this year at any rate, we are going to find it extraordinarily difficult to find the money. This being the case, I do beg Honourable Members again to ask themselves whether this is the most urgent demand upon us. We must consider the comparative urgency of various demands and I don't think that this is the most urgent. Finally the honourable mover says, if we would restore the prestige of the village officer, he would withdraw his motion. Well, prestige is not a thing which we can create by an Act of Parliament. But so far as in us lies we will try to relieve the village officers of the disabilities of which complaint has been made."

The resolutions were put to the vote and lost.

The Hon'ble Mr. B. V. Narasimha Ayyar asked for a division.

The poll was taken with the following result :—

For

The Hon'ble Mr. T. Arumainatha Pillai.
" Mr. M. C. Raja.
" Mr. K. Venkatappayya Pantulu.
" Mr. P. Siva Rao.
" Rao Bahadur T. Namberumal Chetti Garu.
" Mr. W. Vijayaraghava Mudaliyar.
" Mr. V. Madhava Raja.
" Rao Bahadur T. Balaji Rao Nayudu Garu.
" Mr. B. V. Narasimha Ayyar.
" Rao Bahadur N. Subba Rao Avargal.
" Rai Bahadur T. N. Sivagnanam Pillai Avargal.
" Khan Bahadur A. T. G. M. Ahmad Tambi Marakkayar Sahib Bahadur.
" Khan Bahadur Haji Abd-ul-lah Haji Qasim Sahib Bahadur.

Against

The Hon'ble Diwan Bahadur Sir P. Rajagopala Achariyar, K.C.S.I., C.I.E.
" Mr. L. Davidson, C.S.I.
" Mr. C. G. Todhunter, C.S.I.
" Mr. R. A. Graham.
" Major-General G. G. Giffard, C.S.I., I.M.S.
" Rao Bahadur V. K. Ramanuja Achariyar Avargal.
" Mr. R. Littlehailes.
" Mr. A. Y. G. Campbell, C.I.E.
" Mr. S. Cox.
" Diwan Bahadur L. D. Swamikannu Pillai Avargal, I.S.O.
" Mr. M. D. Devadoss.
" the Raja of Ramnad.
" the Zamindar of Parlākimedi.
" Diwan Bahadur Sir P. Tyagaraya Chetti Garu.
" Mr. J. H. Thonger.
" Mr. E. S. Lloyd.
" Mr. H. H. G. Mitchell, O.B.E.
" Mr. W. J. J. Howley, C.S.I.
" Khan Bahadur N. Muhammad Usman Sahib Bahadur.

The amendment was declared lost, 13 voting *for* and 19 *against*.

RESOLUTION *RE* THE TUNGABHADRA PROJECT.

The Hon'ble Mr. P. SIVA RAO :—" Your Excellency, the resolution which I propose to move runs thus :—

'This Council recommends to His Excellency the Governor in Council that the "Tungabhadra Project" may be sanctioned in its original or modified form."

" The Honourable Members of the Council probably may like to know what the Tungabhadra project is. I may say, to put it briefly, it seeks to utilize the water of the Tungabhadra river for irrigation purposes. The scheme is explained in the following terms. It consists of a reservoir formed by a masonry dam across the river Tungabhadra and a system of canals from this reservoir for the irrigation of the whole of the Ceded districts and also a portion of the Nellore district. It is intended to irrigate about four million acres and it is intended also, as I stated, for the benefit of five districts including the Ceded districts and Nellore. The scheme is estimated to cost about 12 crores of rupees. The estimates were drawn up in the year 1909. As regards the pitiful condition of the Ceded districts, just to convince the Honourable Members of this Council I should like to quote a few extracts from the report of the Indian Irrigation Commission. The unsatisfactory nature of these districts is very aptly described in paragraph 224. They say : 'The most insecure districts are those known as the Deccan districts comprising Kurnool, Bellary, Anantapur and Cuddapah which have suffered several times from famine during the past century. They cover a total area of about 27,500 square miles with a population of nearly four millions, the majority of whom depend upon agriculture for their support.' They further say : 'Owing to the general poverty of the soil, over one-half of the cultivable area is assessed at rates not exceeding 8 annas an acre. In Cuddapah the proportion rises to nearly two-thirds and in Anantapur to over three-fourths of the whole area.' They go on describing the disastrous famine. 'More than two-thirds of the landholders pay less than Rs. 10 a year to the Government for their lands. The disastrous famine of 1876–78, which swept away nearly a third of the population, was followed by a succession of unfavourable years, and the districts have not yet fully recovered from their effects.' And then, while describing the unsatisfactory condition of the districts, they strongly recommended that this Tungabhadra project should be further investigated. In pursuance of their recommendation, there was an elaborate investigation into the project and then the Government in their Government Order passed in the year 1909 said that they would defer the execution of the scheme for the present and that Government Order was passed in 1909, some 11 years ago. They said that they were of opinion that as the Kistna and the Cauvery reservoir projects were likely to prove remunerative they must take precedence over the Tungabhadra project and that even if that project were sanctioned it could not be commenced within the next 15 or 20 years, not until the two other projects were completed. They therefore considered that the project should be deferred and the Government of India were informed accordingly. Now, 11 years have elapsed since the passing of this Government Order, and it is time that we should think of the Tungabhadra scheme also. It is not in the sense that it is a productive scheme that I recommend it for the consideration of the Honourable Members of this Council. It is a protective scheme. It is intended to save millions and millions of expenditure on famine relief. I would most unhesitatingly ask the Honourable Members to give preference to this scheme not on the ground that it is productive but on the ground that it is protective. It will save all recurring expenditure over famine relief for several years and it will be giving relief to millions of inhabitants of these districts. So I press this scheme for the consideration of the Government."

The Hon'ble Mr. K. VENKATAPPAYYA PANTULU :—" I second this resolution and in doing so I also submit that in these days the policy of the Government is, I take it, in favour of extension of cultivation and also for encouraging the raising of food-grains. Of course the project is estimated, as was stated by the Hon'ble Mr. Siva Rao, to bring under cultivation about four millions of acres of land, and that will be a very substantial addition to the area under irrigation. I think all this would be rice-producing country, and it will be enhancing the stock of food-stuffs of the Presidency and there can be, I believe, no two opinions in this matter. The districts which will be benefited by this scheme are Bellary, Cuddapah, Kurnool and Nellore. All these are dry parts of the Presidency and, while travelling in the train through these districts, you find on either side large tracts of dry land much of which is waste and unproductive. If all that is turned into wet area, I am sure it will enrich the people and relieve them from distress. I need not add anything more to what the honourable mover has said. I therefore second this resolution."

The Hon'ble Mr. W. J. J. HOWLEY :—" The question brought forward by my honourable friend is one that has been brought before this Council in recent years on several occasions. honourable members may perhaps remember that in the Budget debate at the beginning of April last the honourable mover referred to the same question and at that time I informed him on behalf of the Government of the reason why this project was for the present held in abeyance. The honourable mover has said that this project was drawn up in 1909 and was then estimated to cost about 12 crores and was intended for the irrigation of four million acres. The exact area that was proposed to be irrigated was 961,000 acres of wet lands and one million acres of dry

lands, i.e., a total of 1,961,000 acres, and not four millions as mentioned in his speech. The estimated cost of this project in 1909 amounted to 13 crores and the return anticipated was only 2·59 per cent. There has been an enormous increase in the cost of labour and materials of all kinds since 1909, and it is quite certain that the cost of this project if carried out now would be considerably more than the 13 crores estimated in 1909.

The Honourable Member has himself given the reason why this project has been postponed, namely, that there are two other projects to be taken up, the Cauvery project and the Kistna reservoir project; and both of these projects are smaller and more promising than the Tungabhadra project. The Kistna reservoir project was estimated at a little over seven crores and the Cauvery project, which is the most promising of the three, at something over four crores. The Hon'ble Mr. Siva Rao has suggested that the Tungabhadra project should have preference on the ground of its protective nature, and considers that the financial aspect of the project is a secondary matter. He has also read to this Council extracts from the report of the Irrigation Commission to show the great need of irrigation in the Ceded districts, Bellary, Anantapur, Cuddapah and Nellore. It is quite true that these districts are in need of improved irrigation facilities, but it has been decided by the Government and accepted by the Government of India that we could not carry out two large projects simultaneously,—two projects as large as the Cauvery project and the Tungabhadra project. As the former of the two, the Cauvery project is in a very much more advanced stage and is smaller and much more promising than the Tungabhadra project, it was proposed by the Local Government and agreed by the Government of India that the Tungabhadra project should be not abandoned entirely, but kept in abeyance for the present. I do not think I have anything more to add to the information which I gave in my reply to the Honourable Member at the time of the Budget debate and I regret that in the circumstances explained I am obliged on behalf of the Government to oppose the resolution."

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI :—" It seems to me that the Tungabhadra project is much more important to the country than the Cauvery project or the Kistna project. As a matter of course, it is known that Cuddapah, Bellary and some part of Nellore are always open to famine and especially when the rains fall short it becomes almost impossible for the people there to live. There is so much distress that Government are obliged to spend a lot of money to maintain famine protection works. It is not a question of mere money. It is an important question of how to save people. In such cases Government should give preference to saving people to making money out of these projects. There is no question of success or failure at all because the Irrigation Commission, I believe, have gone into the question and recommended that the project must be taken up at once and carried out. But, however, Government pusillanimously went on hoarding the money every year without spending it and now find no money to carry out their project. Even now I think it would be wise for Government to wake up and spend the money and show that they have the power of spending it, and in that position I should say that the Government should take up the Tungabhadra project and work it out. It may be that it cannot give 3 per cent interest on the money spent. But in due course it may be that a good deal of land will be brought under wet cultivation and the Government will be in a position to get the interest on the money that is spent by carrying out the project. There is another thing, viz., the Government can save the people from sugar famine that is at present come over the country. There are large areas of lands in these districts where sugarcane can very well be planted and if that is done, that will be one great advantage for which Government is now trying to do its best. Everywhere inquiries are being made for sugarcane plantation. In that way it will be a help and it would be well for the Government to see its way to start this project and try to work it out. Perhaps the whole cost would be 50 per cent more than was estimated for in 1909 but the advantage must be considered to be much greater than what it was originally."

The Hon'ble Mr. P. SIVA RAO :—" I am extremely thankful to the Hon'ble Sir P. Tyagaraya Chetti for the interest which he has shown towards the unfortunate districts which I represent. The Hon'ble Mr. Howley is quite right in saying that I have been trying in season and out of season to bring this project to the notice of the Government. I made reference to this question at the Budget debate and I have made every endeavour to have this project taken up by the Government and I once more draw the attention of the Hon'ble Mr. Howley to the unsatisfactory famine conditions of the Ceded districts. They require protection; Government owes a clear duty to these unfortunate districts. They are described as the famine zone in the presidency. Just one more extract I shall read from the same Irrigation Commission Report: 'The proportion of the occupied area irrigated in a normal year from all sources, including wells, amounts to only 3 per cent in Bellary, 7 per cent in Kurnool and 13 per cent in Anantapur. In Cuddapah, where the number of tanks and wells is large it rises to over 20 per cent; but in a year of severe famine like that of 1876—1878, the protected area both in this district and in Anantapur fall by almost 50 per cent. With the exception of the Kurnool-Cuddapah Canal, the Cumbum tank in Kurnool and the Tungabhadra channels in Bellary, there are no important irrigation works and the crops are almost entirely dependent on a very precarious and scanty rainfall.'

"They also observe: 'a very large portion of the cultivable area is still unoccupied; and the recent census of 1901 showed that in two of these districts, Kurnool and Cuddapah, the population was still about $4\frac{1}{2}$ per cent less than it was 30 years ago; while in the remaining two, Bellary and Anantapur, the increase was not more than 4 and $6\frac{1}{2}$ per cent against an increase

for the whole presidency of 22·44 per cent for the same period.' This is the miserable condition of my districts. I want preference to be given to this scheme. The Hon'ble Mr. Howley hinted that I did not take the financial aspect of the matter into account, but I have done so. It is a protective work and it will save millions of expenditure over famine relief in future.

"If you turn over the pages of the Gazetteers, relating to these districts, you will find gruesome and lurid accounts of the several outbreaks of famine and at repeated intervals, and this expenditure will be well spent if it is intended to prevent these disastrous famines. As I said in the beginning, it is the clear duty of Government to provide for the protection of the millions of inhabitants of the Ceded districts. As regards the Cauvery reservoir, there is no use of showering plenty where there is no need for it. I therefore strongly press this matter for the consideration of Government."

The Hon'ble Mr. W. J. J. HOWLEY :—"There is one point that I want to mention in regard to Sir Tyagaraya Chettiyar's remarks, and that is, that it would be quite impossible for the Local Government to carry out this project from Provincial funds. The project is classed as a 'protective' project, that is, it has to be financed by the Government of India under the head 35. Sir Tyagaraya Chettiyar has complained of the Local Government holding up their balances year after year and not spending them. That has nothing whatever to do with the case of this project, which has to be financed by the Government of India. If under the new rules it is proposed to carry it out, it can only be done from loan funds . . ."

The Hon'ble Mr. C. V. S. NARASIMHA RAJU :—"I wish to rise to a point of order. Under rule 12 Mr. Howley has spoken once and he cannot reply again."

The Hon'ble the VICE-PRESIDENT :—"The Hon'ble Mr. Howley is in charge of the resolution."

The Hon'ble Mr. W. J. J. HOWLEY :—"I was just saying that if this project were to be carried out at all by the Local Government from Provincial funds, it could only be done from loan funds which would have to be borrowed at from 6 to 7 per cent, while the return obtained from the project would be only 1 to 1½ per cent."

The Hon'ble the VICE-PRESIDENT :—"Does the Honourable Member press the resolution ?"

The Hon'ble Mr. P. SIVA RAO :—"Yes, I do."

The resolution was then put to the vote and lost.

RESOLUTION *RE* DISTRICT COLLECTORS TO HOLD HALF-YEARLY CONFERENCES OF OFFICIALS AND NON-OFFICIALS.

The Hon'ble Mr. B. VENKATAPATI RAJU :—"The resolution which I propose for the consideration of this Council is that—

'IV. This Council recommends to the Governor in Council that the Government be pleased to issue instructions to all District Collectors that conferences of officials and non-officials be held once in every six months to exchange views on important points affecting the district.'

"Mr. President, in these days, this is absolutely necessary, especially when the Secretary of State so recently as a few days ago stated that the officials should recognize Indians to be partners in carrying out the administration of the country. There is no use of the officials sitting apart and keeping the non-officials at a distance. It is absolutely necessary for the good understanding of the people and the officials that they should be drawn together on every possible occasion. In every district, conferences are held in which various questions are raised by the educated section and in which even the illiterate section take part because they are conducted in vernaculars. Either under instructions from Government or on account of pressing business not a single official attends such conferences excepting the Police. Therefore they do not know what is going on in these conferences and so, one venue of meeting the people's wish is barred. It is said that Collectors have got very many opportunities of coming into contact with the people. The first is the jamabandi. On that occasion only land disputes and assessments will be considered. I do not think that general questions will be considered by the Collector then. There is another occasion, and that is, when the Collector would discuss with the several members of the district after the district board meeting is over. Even that privilege the Collector has been deprived of because he is no more the president. Therefore the only other occasion left for non-officials is to go to the Collector's office or to his bungalow to speak on various matters. That is a very undesirable state of things, because, generally, the Collectors do not find it convenient to see them and exchange views with them on important subjects affecting the district. These people have to wait in order as though it were to secure some personal benefit at the hands of the Collector and the Collector to condescend to receive these people. This is not a thing which can be continued long and therefore I suggest, to avoid all these difficulties, that the Collector himself should invite the non-officials of the district once in six months and also his own subordinate divisional and other officers, so that they might meet together and the non-officials might be able to express to the officials their views with reference to the various difficulties they labour under.

"On the other hand officials also will explain the difficulties which they would be labouring under. The Collector might say the Publicity Board only publishes certain facts or that he cannot do anything in certain matters, but with reference to certain other matters he may take action. Now it is absolutely necessary for the officials and non-officials coming together at least once in a year, whereby they can exchange ideas. The Government of course wants conferences. We only want informal conferences. When His Excellency the Governor visits places or when he receives a deputation the proceedings is recorded by the shorthand writer and there is a record of what takes place. It is necessary in order that the Central Government may know how the district administration is carried on. Unless this is done the misunderstanding of the objects of the Government by the people and the misunderstanding of the real temper of the people will continue for ever. Therefore to bring about a more fuller understanding it is better in the interests of all persons that they should meet together informally or otherwise. It will enable Government to find out whether the people are being satisfied with the administration. With that object in view I have brought forward this resolution for the acceptance of this Council."

The Hon'ble Rao Bahadur N. SUBBA RAO :—"I have great pleasure in seconding this resolution. The resolution is worded in the most reasonable manner and it does not want to give any mandate as it were but it only recommends to the Governor in Council that the Government may be pleased to issue instructions to all District Collectors that conferences of officials and non-officials be held once in every six months to exchange views on important points affecting the district. These are days when the Government itself requires us to co-operate with them in every branch of the administration. We find that the policy of the Government is to take us more into confidence. You are appointing non-official presidents to local boards. You want us to co-operate with you and this is only one of the aspects of co-operation. Surely the Government does not want us to encourage in any way the principle of non-co-operation. I submit there will be no difficulty for the Government to accept this resolution as it stands in order to issue instructions to the Collectors. What is happening in my district is this. We have got a district association and we have got a district advancement association and the present Collector Mr. Ellis is a very sympathetic officer. He has always been holding sometimes conferences on the days when the district board holds its meetings. The district board meeting is held at 3 o'clock and after the meeting is concluded, conferences are held after the closing of the district board meeting. Only the other day we had such a conference at which officials and non-officials were asked to attend, and we discussed matters, such as the question of rice, the forest policy, irrigation, etc. In fact sub-committees were formed of non-officials whereby they had to report what the grievances were and what could be done to remedy them. In one or two respects, the Collector said that he himself would do the needful in the matter by writing to the District Forest Officer, or to the Board of Revenue or Government. So these are ways in which the Collector may know the grievances, feelings and the temper of the people, and the people may give vent to their feelings in a constitutional manner to the highest officer in the district. Of course matters of general policy and those affecting the Presidency will no doubt be discussed in this Council, but matters relating to the districts do not appertain to this Council, but have to be discussed in such conferences. If Government issues such instructions, I would certainly say that six months is too long a period and it would be much better to hold a conference once in a month or on occasions when the Collector or the non-officials think that such a conference should be held. As the resolution is very reasonably worded, I am sure the Government will be able to accept it."

The Hon'ble Mr. E. S. LLOYD :—"This subject is an old one and has been before the Council in many forms from time to time. On the last occasion of the meeting of this Council a somewhat similar resolution was discussed, when the question was whether we should use the district boards as advisory councils. Sir P. Tyagaraya Chetti then said that he could not see any object in compelling Collectors to use district boards as a kind of general council, and he thought it better that Collectors, when they want to get information from a particular class of people, should go to them. I think that must be the attitude of the Government to take in regard to this particular resolution also. It is not because there is any objection to conferences in themselves. In fact this Council must be aware that instructions have already been issued from time to time that Collectors should keep themselves in touch with the people and confer with them on the district administration. That is very much what is sought in this resolution. If the resolution means nothing more than that informal conferences should be held, Government have already given instructions. If it means something more than that, I think it ought to be opposed. If the Honourable mover really only means an informal conference, about the question of water, or forest administration, or panchayat, or any such thing, surely the Government have already given the instructions that he wishes.

"A Government Order was passed only last November on the question whether District Administration Report regarding the various activities of Government should not be issued by the Publicity Board. The Government then said that the desired result would be more satisfactorily attained if the heads of districts explained to the people whenever possible either in conversation or in local Darbars the progress of the district. If the Collectors do that, surely the co-operation the Honourable mover wishes for will be attained.

"I think I need hardly remind the Council that in 1913 a resolution was accepted in this Council that Collectors should hold informal conferences from time to time and that they should see

that their divisional officers also do so and that reports regarding these should be included in the jamabandi report. I believe such conferences are generally held. I have myself held a number of such conferences and I have always found them useful. If the Honourable Member means nothing more than these informal conferences there is no need for this resolution. If he means a good deal more and wishes to have formal conferences with rules and regulations, then I think Government are not prepared to accept such a resolution for the reason that it is not advisable for the Government to interfere too much in the internal arrangements of the district. The Collector is after all the head of the district and he must decide how to run the administration.

"The Honourable mover said that now that the Collector is no longer the president of the district board he does not attend it as frequently as he used to do and consequently he has fewer opportunities of coming in touch with the people. But anybody who has been in a district knows that it is not difficult to approach the Collector. The Collector if he wants to consult any particular body of men regarding any particular matter can easily call a conference for the purpose and very often does so. As the seconder of the resolution said the practice in Mangalore at the present moment is to hold something like monthly conferences. Very well, there is certainly no objection but I do not think you can bind other districts to necessarily follow the example exactly in the same way. I do not think there is any district at the present moment where conferences are not held frequently and the only difference that I can see between the orders that have already been passed and what the Honourable mover wishes to have passed is that in thinking there should be a little more formality which I think it would be wise to keep away from. In the meeting of March last the Hon'ble Mr. Desika Achari raised that very point. He said that there was obviously no useful purpose in asking a Collector to consult the district boards on any matter unless they were given the right to give advice and the Collector was bound to follow it. That seems to me objectionable. If the conferences are made formal, the next thing will be to ask for the right of interpellation, to record formal resolutions and to ask that these are carried out. As His Excellency observed in the debate in March last these things are more suitable for the Legislative Council than for a district. In the discussion of small local matters I do not think you want any formality. Apart from that, the instructions that have already been issued seem to meet the wishes of the Honourable Members."

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—"I believe changes come over human beings but rarely change in their real inner nature. I believe this will be the last occasion when this particular resolution will come before the Legislative Council. In future Councils there will be some extent of responsibility and people instead of trying to rush to Collectors for everything will have the good sense to form their own associations and approach their representatives in the Council when they have any grievances and make arrangements through them to get them set right.

"I would just like to say one word. It is very difficult for me to follow Mr. Lloyd and find out why having now praised the example of the Collector of South Kanara in having something like monthly conferences the Government could not go one step further and commend his example to other Collectors. That would content the mover of the resolution. But somehow or other Mr. Lloyd was not in favour of the resolution. It was stated that the geographical position of South Kanara is very favourable to holding such conferences. I do not see how the geographical position of South Kanara especially favours this. On the other hand you have to cross waters some of which are impossible to cross in certain parts of the year. I should think that conferences could more easily be held in other districts. This is really a question of disposition and an inclination to take up a particular attitude. As different officers have different dispositions, when we see any officer doing a good thing we come to the Government to commend the example of such an officer for the guidance of others. I am sorry to see that Government oppose this resolution."

The Hon'ble Mr. P. SIVA RAO :– "I strongly support this resolution and I am very sorry that the Government could not see their way to accept this excellent proposal. As Mr. Lloyd observed this matter has come up very often, and I have been responsible for bringing this matter very often before this council. Even in March last I moved that Collectors should be required to consult district boards in matters appertaining to general district administration. That was vetoed on the ground that the local boards should confine their activities to their own legitimate sphere of action and that advising on matters of general administration was not their legitimate activity. That was how my proposal was met.

"Then again there was a proposal for the starting of advisory councils for the District Collectors. That has been negatived also. Now the Hon'ble Mr. Venkatapati Raju makes a feeble attempt to liberalise district administration by bringing it into closer touch with the people and Mr. Lloyd says that there are instructions already, that the Collector is expected to be in daily touch with the people and that some instructions had already been issued in 1913. If all this has been done, where is the harm in accepting such a resolution? Where is the harm in the Collector convening a conference of non-officials and trying to ascertain at first hand what their grievances are? This system is tried very successfully in Mysore. I had the pleasure of attending an economic conference in Mysore the other day. The Tahsildar convenes a conference once in six months or once in a year. He assembles all the ryots, both officials and non-officials. They put forward proposals which are noted; and even the Deputy Commissioner there convenes a conference and tries to ascertain conditions from both officials and non-officials. They

put forward propositions. Some requests are granted then and there. Why should there not be some such institutions in our Presidency ? This is an excellent proposal and I give my hearty support to it "

The Hon'ble Diwan Bahadur Sir P. TYAGARAYA CHETTI :—" It seems, to me that this resolution is really very good on paper. And when it is worked you will find all kinds of difficulties. When you say that you want to consult with a conference of officials and non-officials, who are the non-officials that go there to consult with ? Does it mean that the general class of men from far-off out-of-the-way places go to the Collector or the Collector asks those people with whom he has to consult ? It is only a selected class of people that go for these conferences, and do they actually represent the people of the country ? The Collector no doubt with the instructions given by the Government asks certain people to take their opinion, and consult with them and do everything. And who are these people who go there ? Whom do these high officers, Collectors, Deputy Collectors and Tahsildars send for to consult with ? Is the real object gained by this kind of consultation ? I can understand the Collector having informal talk with the people as he goes along and catching the ideas of those people, what they want, what they are suffering and all that. In that way in informal meetings much could be gained and in this kind of formal affairs I see nothing will be gained and it will rather be the other way. There will be certain sets of ideas which are forced upon the Collector by the people. I am afraid, Sir, I am rather hard upon these formal meetings. I must say that if the Government is inclined to do good to the people these formal conferences should be avoided as much as possible and the Collectors asked to move about and consult with the people direct and get all information and see all their grievances redressed."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" Mr. President, the language I employ in the resolution is simple enough. I stated that 'the Government will be pleased to issue instructions to all District Collectors that conferences of officials and non-officials be held once in every six months to exchange views on important points affecting the district.' We know what conferences are. Every year at Ootacamund all the District Collectors are meeting in conference. I do not know whether it is called formal conference or informal conference. There is conference in the Police Department of the inspectors."

The Hon'ble Mr. C. G. TODHUNTER :—" May I point out that there have been only two Collectors, conferences in the last thirty years."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" We know what conference is. The Hon'ble Mr. Lloyd, I take it, has no objection if the resolution is worded 'informal conference'. If I understand him aright, may I know, Mr. President, whether he has any objection to informal conference."

The Hon'ble Mr. E. S. LLOYD :— " Already instructions have gone in 1913 saying that conferences should be held usually."

The Hon'ble Mr. B. VENKATAPATI RAJU :—" I have no objection to add that adjective before the words 'conference of officials'. What I want is that there should be an opportunity between officials and non-officials to exchange views on points affecting the district. I want that they should be brought together and the Hon'ble Mr. Lloyd says that they have issued instructions. So far as I am aware, I do not know when they were issued. They must have been issued much later. To my knowledge and the knowledge of several friends no such conference has been held in any district except in Tinnevelly.

The Hon'ble Mr. C. G. TODHUNTER :—" Does the Honourable Member mean that no such conferences are held in districts ?"

The Hon'ble Mr. B. VENKATAPATI RAJU :—" So far as I am aware no conferences were held except in Tinnevelly. That is only a matter which rests entirely with the individuals. I do not want the sweet will and pleasure of the Collector. I want the Government to help in making the Collector hold conference and meet people and exchange their views each other and do something for the good of the country. There are Collectors who go to the houses of people and exchange their views, there are Collectors who generally refuse to see persons who go to their houses. I am not concerned with those individuals. I only ask the Government to issue instructions to their subordinates that they must hold conferences. They must be in touch with the people. The Hon'ble Mr. Lloyd says that instructions have already been issued. What is the use of issuing instructions unless they are obeyed ?

The Hon'ble Mr. C. G. TODHUNTER :— "Has the Honourable Member any reason to think that the instructions issued have not been obeyed ?"

The Hon'ble Mr. B. VENKATAPATI RAJU :—" We laymen can only judge of the actual events if Government issue instructions. We never saw any conferences held and no public questions were discussed. On paper you may have conferences, because at the end of a district board meeting or at the end of any meeting of any particular persons they might consult somebody how the municipality is going on, etc. And then is that a conference ? But I expect conferences to meet to discuss particular points and to exchange views when the people would express their grievances. I think that is a very plain proposition, and if the Hon'ble Mr. Lloyd and the Hon'ble Mr. Todhunter agree in that view and if the Government have no objection

(Mr. Venkatapati Raju.) [14TH JULY 1920.

to issue instructions to the District Collectors that there should be informal conferences, I am satisfied. If the Government would not go to that length, I do press my resolution knowing full well what would be its fate."

The resolution was put to the vote and lost.

A poll was taken with the following result :—

For	*Against*
The Hon'ble Mr. T. Arumainatha Pillai.	The Hon'ble Mr. L. Davidson, C.S.I.
" Mr. M. C. Raja.	" Mr. C. G. Todhunter, C.S.I.
" Mr. K. Venkatappayya Pantulu.	" the Advocate-General.
" Mr. P. Siva Rao.	" Mr. R. A. Graham.
" Mr. B. Venkatapati Raju.	" Mr. R. Littlehailes.
" Mr. W. Vijayaraghava Mudaliyar.	" Mr. A. Y. G. Campbell, C.I.E.
" Mr. V. Madhava Raja.	" Mr. S Cox.
" Rao Bahadur T. Balaji Rao Nayudu Garu.	" Diwan Bahadur L. D. Swamikannu Pillai Avargal, I.S.O.
" Mr. C. V. S. Narasimha Raju.	" Mr. M. D. Devadoss.
" Mr. B. V. Narasimha Ayyar.	" the Rev. E. M. Macphail, C.B.E
" Rao Bahadur N. Subba Rao Avargal.	" Khan Bahadur N. Muhammad Usman Sahib Bahadur.
" Khan Bahadur Haji Abd-ul-lah Haji Qasim Sahib Bahadur.	" Mr. J. H. Thonger.
	" Mr. E. S. Lloyd.
	" Mr W. J. J. Howley, C.S.I.
	" Rai Bahadur T. N. Sivagnanam Pillai Avargal.

The resolution was declared lost 12 voting *for* and 15 *against*.

The Council then adjourned till 11 am. on Friday the 15th July 1920.

F. J. RICHARDS,
Acting Secretary to Govt., L. & M. (Legislative) Dept.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.